



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, September 9, 2020

11:00 AM

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

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### Hearing Session

M. Hicks (Chair), D. Howe (Vice Chair), G. Holman, 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. [20-537](#) Minutes of the Hearing Session of the July 8, 2020 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the July 8, 2020 Electoral Areas Committee Meeting be adopted as circulated.

**Attachments:** [Hearing Minutes - July 8, 2020](#)

#### 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****- Juan de Fuca****- Southern Gulf Islands**

- 5.1.        [20-494](#)        File Notice on the Land Title of Lot 3, Parkinson Road, Lot 3, District Lot 17, Renfrew District, Plan 13240, PID 003-827-496, File NT000297

**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, District Lot 17, Renfrew District, Plan 13240, PID 003-827-496 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title-Lot 3, Parkinson Rd, Renfrew District](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.2.        [20-497](#)        File Notice on the Land Title of Lot 62, Petrel Drive, Section 4, Renfrew District Plan VIP83894, PID 027-254-151, File NT000235

**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 62, Section 4, Renfrew District Plan VIP83894, PID 027-254-151 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title-Lot 62, Petrel Dr, Renfrew District](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.3.        [20-491](#)        File Notice on the Land Title of 6601 East Sooke Road, Lot B Section 134 Sooke District Plan VIP73862, PID 025-431-722, File NT000296

**Recommendation:** That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot B Section 134 Sooke District Plan VIP73862, PID 025-431-722 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title-6601 East Sooke Rd, Sooke District](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.4.        [20-498](#)        File Notice on the Land Titles of 407 Wood Dale Drive, Lot 68 Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-812 and 409 Wood Dale Drive, Lot 69, Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-821, File NT000299

**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 68 Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-812 and Lot 69, Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-821 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**      [Staff Report: Notice on Title-407-409 Wood Dale Dr, Mayne Island](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.5.      [20-495](#)      File Notice on the Land Title of 1613 Schooner Way, Lot 24, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-201, File NT000294

**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 24, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-201 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**      [Staff Report: Notice on Title-1613 Schooner Way, Pender Island](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.6.      [20-496](#)      File Notice on the Land Title of 100 East Point Road, Lot A, Section 18, Saturna Island, Cowichan District, Plan VIP75287, PID 025-674-102, File NT000293

**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 18, Saturna Island, Cowichan District, Plan VIP75287, PID 025-674-102 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**      [Staff Report: Notice on Title-100 East Point Rd, Saturna Island](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 5.7.      [20-503](#)      File Notice on the Land Title of 131 East Point Road, Lot 2, Section 18, Saturna Island, Cowichan District, Plan 19556, PID 003-733-301, File NT000

**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 2, Section 18, Saturna Island, Cowichan District, Plan 19556, PID 003-733-301 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**      [Staff Report - Notice on Title-131 East Point Road, Saturna Island](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

## 6. Adjournment

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

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, July 8, 2020

11:00 AM

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

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#### Hearing Session

#### PRESENT

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

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Carey, Manager of Legal 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; T. Watkins, Manager, Solid Waste Operations; E. Gorman, Deputy Corporate Officer; T. Phillipow, Committee Clerk (Recorder)

Guest: Director Taylor

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

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

This hearing is being convened pursuant to section 57 of the Community Charter. The Electoral Areas Committee has been delegated the power of the Regional Board to consider a recommendation of the Building Inspector to file a notice on land title of properties that contravene building safety standards and applicable building regulations.

Anyone who considers their interest in property will be affected by a notice on title shall be provided an opportunity to speak before the Committee. Speakers should focus their remarks on the issue under consideration and to address all comments to the Committee Chair.

Once the property owner has been heard, the committee shall determine whether to confirm the recommendation of the Building Inspector, to file a notice against title of the subject property.

During the course of this hearing, this committee is sitting as a quasi-judicial body and in that capacity should only consider the facts brought before it by the Building Inspector and the affected property owners. In making a decision, committee members should refrain from considering facts that are extraneous to the hearing process.

#### 2. Approval of Agenda

**MOVED** by Director Howe, **SECONDED** by Director Holman,  
That the agenda of the Hearing Session of the July 8, 2020 Electoral Areas  
Committee meeting be approved.  
**CARRIED**

#### 3. Adoption of Minutes



- 3.1. [20-192](#) Minutes of the Hearing Session of the February 12, 2020 Electoral Areas Committee Meeting

**MOVED** by Board Chair Plant, **SECONDED** by Director Howe,  
That the minutes of the Hearing Session of the February 12, 2020 Electoral Areas Committee Meeting be adopted as circulated.  
**CARRIED**

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

There were no comments by property owners.

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

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

- 5.1. [20-080](#) File Notice on the Land Title of 17285 Parkinson Road, Lot 2, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961, File NT000291

M. Taylor spoke to Item 5.1.

Discussion ensued on the project manager's intent to submit additional information by end of week.

**MOVED** by Director Hicks, **SECONDED** by Director Holman,  
That File Notice on the Land Title of 17285 Parkinson Road, Lot 2, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961, File NT000291 be tabled until the next committee meeting.  
**CARRIED**

- 5.2. [20-087](#) File Notice on the Land Title of 270 Eagles Rest Lane, Lot 4, District Lots 77 and 78, Galiano Island, Cowichan District, Plan VIP60997, PID 023-041-862, File NT000286

M. Taylor spoke to Item 5.2.

**MOVED** by Director Howe, **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 4, District Lots 77 and 78, Galiano Island, Cowichan District, Plan VIP60997, PID 023-041-862 or any subdivision of said lands as may be affected by the contravention(s).  
**CARRIED**

- 5.3. [20-385](#) File Notice on the Land Title of 510 Linklater Road, Lot 10, Block 2, District Lot 6, Galiano Island, Cowichan District, Plan 24167, PID 002-979-845, File NT000273

**MOVED** by Director Howe, **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 10, Block 2, District Lot 6, Galiano Island, Cowichan District, Plan 24167, PID 002-979-845 or any subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

- 5.4. [20-386](#) File Notice on the Land Title of 351 Village Bay Road, Lot C, Section 7 and 12, Mayne Island, Cowichan District, Plan 27091, PID 002-552-281, File NT000289

**MOVED** by Director Howe, **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 C, Section 7 and 12, Mayne Island, Cowichan District, Plan 27091, PID 002-552-281 or any subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

- 5.5. [20-387](#) File Notice on the Land Title of 737 Wilks Road, Mayne Island, Lot 7, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-170-601, File NT000277

**MOVED** by Director Howe, **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 7, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-170-601 or any subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

## 6. Adjournment

**MOVED** by Director Howe, **SECONDED** by Director Holman,  
That the Hearing Session of the July 8, 2020 Electoral Areas Committee be adjourned at 11:13 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 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of Lot 3, Parkinson Road, Lot 3, District Lot 17, Renfrew District, Plan 13240, PID 003-827-496, File NT000297**

**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 5, 2019, 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 on two shipping containers converted to bunkhouses without the benefit of permits or approvals. Upon receipt of two incomplete building permit applications submitted, several registered letters were sent requesting additional information in order to continue processing the permit applications.

As all of the requested additional information was not received, the two building permits could not be approved for issuance.

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 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 3, District Lot 17, Renfrew District, Plan 13240, PID 003-827-496 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 3, District Lot 17, Renfrew District, Plan 13240, PID 003-827-496 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

- Nov 5, 2019      A Stop Work Order was posted for two shipping containers converted to bunkhouses without the benefit of permits or approvals. Photos were taken.
- Nov 8, 2019      A registered letter sent to the owners advised that a Stop Work Order was posted and a building permit application was requested to be submitted by December 9, 2019. Canada Post tracking indicated the letter was delivered.
- Nov 29, 2019      Two incomplete building permit applications to construct two bunkhouses were received.
- Dec 4, 2019      An email was received with the submission of two additional documents for the permit applications.
- Dec 17, 2019      Two letters emailed to the owners acknowledged submission of the two building permit applications and requested additional supporting documentation be submitted by January 15, 2020 in order to continue processing each application.
- An email received from the owners indicated that they could not commit to the stated deadline until their return to Canada in April and advised that the shipping containers were unoccupied and presently no construction was underway.
- In addition, a second registered letter was sent to the owners to follow up on the Stop Work Order that was posted, and acknowledged the letter dated November 8, 2019 and the submission of two incomplete building permit applications and the request for further supporting documents. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter also advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
- Jan 20, 2020      A third registered letter sent to the owners acknowledged the letters dated November 8 and December 17, 2019, the request for supporting documents to be submitted by January 15, 2020 and the owner's response that indicated they would not respond until April. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter also advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
- Jan 31, 2020      An email received from the owners requested that the Building Inspector desist with the threats and to refer any mail to their named attorney. The owners stated the permit issues would be attended to in April upon their return to Canada.
- Feb 7, 2020      An email received from the owners stated that they are out of country until the end of March and they would cooperate with the building permit issues in April. The owners confirmed the shipping containers are used for staff

accommodation for four months of the year and for storage use for the remaining eight months. The owners requested that a temporary occupancy be approved, requested the link to the CRD regulations for use of shipping containers and stated the permit issues would be their first priority upon their return.

An email sent to the owners from the Building Inspector advised that there was no policy on shipping containers and no provision for the temporary occupancy sought under the BC Building Code or the CRD Building bylaw. The owners were advised that the building permit files were placed on hold until mid-April.

- |              |   |
|--------------|---|
| Jun 30, 2020 | As the requested additional information was not received, the two building permits could not be approved for issuance.  |
|              | The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.  |
| Aug 7, 2020  | The Chief Building Inspector telephoned the owner and asked of their intentions to achieving compliance with respect to their project. The owner advised they would call back to discuss. |



Appendix B

Photos:

November 5, 2019





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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of Lot 62, Petrel Drive, Section 4, Renfrew District Plan VIP83894, PID 027-254-151, File NT000235**

**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 23, 2018, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Order was posted on a cabin constructed without the benefit of permits or approvals. Several registered letters were sent requesting a building permit application to be submitted. No response to the letters has been received nor has a building permit application been submitted.

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 62, Section 4, Renfrew District Plan VIP83894, PID 027-254-151 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 62, Section 4, Renfrew District Plan VIP83894, PID 027-254-151 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History

Appendix B: Photos

## Appendix A

### History:

Aug 23, 2018	A Stop Work Order was posted for a cabin under construction without the benefit of permits or approvals. Photos were taken.
Aug 24, 2018	A registered letter sent to the owners advised that a Stop Work Order was posted and a building permit application was requested to be submitted by September 24, 2018. Canada Post tracking indicated the letter was delivered.
Sep 10, 2018	A site visit was conducted by the Building Inspector.
Sep 12, 2018	A second registered letter sent to the owners advised that a Stop Work Order was posted and a building permit application was requested to be submitted by September 24, 2018. Canada Post tracking indicated the letter was delivered.
Oct 17, 2018	A third registered letter sent to the owners acknowledged the letters dated August 24 and September 12, 2018 and a site visit September 10, 2018. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
Oct 31, 2018	A site visit was conducted by the Building Inspector. Photos were taken.
Jun 30, 2020	<p>A site visit was conducted by the Building Inspector. Photos were taken. Construction had continued without approvals.</p> <p>To date, there has been no communication from the owners nor has a building permit application been received.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>

## Appendix B

### Photos:

August 23, 2018





October 31, 2018





June 30, 2020





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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of 6601 East Sooke Road, Lot B Section 134  
Sooke District Plan VIP73862, PID 025-431-722, File NT000296**

**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 14, 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 Order was posted on an accessory building supported by trees on February 19, 2020. Despite several letters sent and a meeting with the owners that outlined the options to meet land use regulations, BC Building Code and building bylaws, no building permit application has been received.

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

**2.1.2 Permits Required**

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

**3.1.1 Work Without Permits**

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**ALTERNATIVES**

*Alternative 1*

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot B Section 134 Sooke District Plan VIP73862, PID 025-431-722 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 B Section 134 Sooke District Plan VIP73862, PID 025-431-722 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History

Appendix B: Photos

**Appendix A**

**History:**

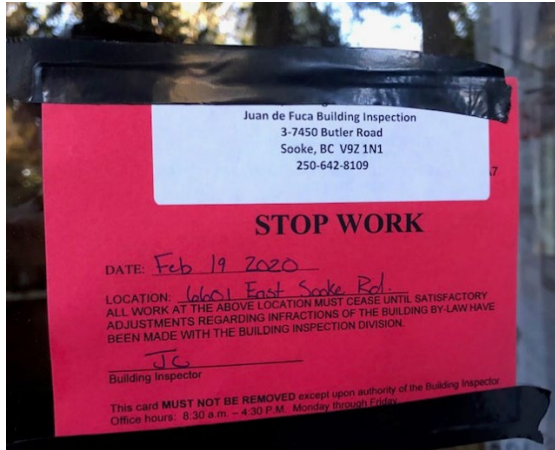
Feb 12, 2020	An email received queried whether zoning complied and building permits existed for multiple dwellings and possible recreational vehicle (RV) units or RV pads that were advertised for monthly rent and connected to a septic service. It was noted that a new two-story structure was under construction.
Feb 14, 2020	A site visit was conducted by the Bylaw Enforcement Officer who met with the owners. It was determined that there were no infractions taking place with the respect to the RVs. The owners stated that a building permit is not required for their “tree fort” structure currently under construction as it does not have a foundation. The owners were informed that the Building Inspector will attend the site and make a determination of whether a building permit is required.
Feb 19, 2020	A Stop Work Order was posted by the Building Inspector for an accessory building supported by trees constructed without the benefit of permits or approvals. Photos were taken. It was noted that there is a trench to the accessory building for plumbing and electrical.
Feb 25, 2019	A registered letter sent to the owner advised that a Stop Work Order was posted and a building permit application was requested to be submitted by March 20, 2020. Canada Post tracking indicated the letter was delivered.
Feb 26, 2020	A meeting was held with the owners at the Juan de Fuca (JdF) Local Area Services building with the JdF Building Inspector and JdF Community Planning Manager. The owners were provided with options to meet land use regulations, the BC Building Code and building bylaws.
Apr 6, 2020	A second registered letter sent to the owner acknowledged the letter dated February 25, 2020 and the meeting held on February 26, 2020. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
Apr 20, 2020	<p>A third registered letter sent to the owner acknowledged the letters dated February 25 and April 6, 2020 and the meeting held on February 26, 2020. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.</p> <p>The registered letter dated April 20, 2020 was resent by regular mail with a correction to the property address.</p>
May 20, 2020	A site visit was conducted by the Building Inspector. Photos were taken.
Jun 24, 2020	<p>There has been no further communication with the owners, nor has a building permit application been received.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>



## Appendix B

### Photos:

February 19, 2020





May 20, 2020









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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Titles of 407 Wood Dale Drive, Lot 68 Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-812 and 409 Wood Dale Drive, Lot 69, Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-821, File NT000299**

**ISSUE SUMMARY**

The purpose of this staff report is to recommend that a notice be placed on the land title of the properties described above as a result of non-compliance with Capital Regional District (CRD) or other regulations.

**BACKGROUND**

Since July 4, 2019, 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 on a single family dwelling (SFD) constructed without the benefit of permits or approvals. Registered letters were sent to the owners advising of a safety concern due to the structure being built in a rock fall hazard zone. The SFD straddles two lots, which have the same registered owners.

The SFD is occupied and does not meet BC Building Code. Remedial action may be required.

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 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.

**4.12. Do Not Occupy**

Where a person occupies a building or structure or part of a building or structure in contravention of Section 3.1.3 of the Bylaw a building official may post a Do Not Occupy Notice on the affected part of the building or structure.

## **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 68 Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-812 and Lot 69, Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-821 or any subdivision of said lands as may be affected by the contravention(s).

### *Alternative 2*

That a notice not be filed and staff be directed to take no further action.

## **IMPLICATIONS**

### *Financial*

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

### *Legal*

If a notice is not filed on the land title, the liability of the CRD is potentially increased and possible future owners may not be advised of a building inspection deficiency and may be exposed to potential loss. If CRD Bylaw Services is unable to achieve compliance, staff 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 68 Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-812 and Lot 69, Section 7, Mayne Island, Cowichan District, Plan VIP23397, PID 003-088-821 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

Jul 4, 2019	A Stop Work Order was posted for a SFD constructed without the benefit of permits or approvals. Photos were taken.
Jul 12, 2019	A registered letter sent to the owners advised that a Stop Work Order was posted and advised of a safety concern due to the structure being in a rock fall hazard zone. The letter stated the next step is to register a notice on the land title. Canada Post tracking indicated the letter was delivered.
Aug 15, 2019	A site visit was conducted by the Building Inspector.
Aug 22, 2019	A second registered letter sent to the owners acknowledged the letter dated July 12, 2019 and a site visit on August 15, 2019 and advised that a Stop Work Order was posted. The letter advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
Sep 11, 2019	<p>An email was received from one of the owners who requested to be contacted to discuss the registered letters sent.</p> <p>The Chief Building Inspector phoned the owner and followed up with an email that confirmed the stop work order was posted on a structure located in a rock fall hazard area. The existing structure could not be used for human habitation and must be removed. The email stated that a demolition permit was required and an action plan be submitted to provide times and dates for the completion of the demolition. The email advised the demolition permit application must be submitted within ten days.</p>
Apr 16, 2020	A site visit was conducted by the Building Inspector and noted that there was no change.
Jun 16, 2020	A site visit was conducted by the Building Inspector.
Jul 7, 2020	<p>To date, there has been no further communication from the owners and no demolition permit application has been received.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>
Aug 12, 2020	The Chief Building Inspector spoke with the owner regarding non-compliance of building and rockfall hazards. The owner agreed to look into options to achieve compliance, however he also indicated that due to his advanced age and infrequent use of the property he wasn't in a position to move the building or re-build at this time.



## Appendix B

### Photos:

July 4, 2019





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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of 1613 Schooner Way, Lot 24, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-201, File NT000294**

**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 24, 2016, 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 issued in June 2016 for the construction of a single family dwelling had expired after two years. A Stop Work Order was posted on September 20, 2019 for a deck and stairs constructed without the benefit of permits or approvals and not to BC Building Code.

There are several requirements to be met including the removal of the stairs over the rocks or to obtain a revised Development Permit with approvals from Islands Trust for the additional work outside of the original scope.

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 24, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-201 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 24, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-201 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

Mar 24, 2016	An incomplete building permit application was received.
Jun 24, 2016	A building permit was issued to construct a single family dwelling (SFD).
Aug 21, 2017	A site visit was conducted by the Building Inspector.
Jan 15, 2018	The property ownership transferred to another family member.
Sep 20, 2019	A Stop Work Order was posted for a deck and stairs constructed without the benefit of an active permits or approvals and not in accordance with the BC Building Code. Photos were taken.
Sep 25, 2019	<p>A registered letter sent to the owner advised that a Stop Work Order was posted and a building permit application was requested to be submitted by October 21, 2019. Canada Post tracking indicated the letter was delivered.</p> <p>A second letter sent to the owner advised that the building permit for the SFD had expired and a new permit was required to complete the work. The building permit requires renewal for a \$300 fee and a final inspection to be carried out.</p>
Dec 11, 2019	A site visit was conducted by the Building Inspector.
Jan 24, 2020	A registered letter sent to the owner acknowledged the letter dated September 25, 2019 and a site visit on December 11, 2019 and advised that the next step is to register a notice on the land title and the fee to remove the notice is \$500. The letter advised that an invitation to attend the public meeting will be sent. Canada Post tracking indicated the letter was delivered.
Feb 7, 2020	A site visit was conducted by the Building Inspector. Photos were taken.
Feb 12, 2020	A Schedule C-B Letter of Assurance for Structural and Geotechnical was received.
Apr 20, 2020	A site visit was conducted by the Building Inspector.
Apr 27, 2020	An email sent to one of the listed owners questioned why there was no response to the letters sent. A response received advised that they are no longer an owner and they would forward the email to their sister who is the current owner.
Apr 28, 2020	An email received from the current owner stated she never received any letters and had not been to the property for quite some time. The owner requested copies be sent by email.
Apr 29, 2020	An email sent to the owner provided copies of the two registered letters sent.

- Apr 30, 2020      An email sent to the owner provided copies of the Development Permit issued, copy of the site plan with construction drawings and two photos of the deck and stairs under construction. The email outlined several requirements to be met in order to avoid a notice on title including the removal of the stairs over the rocks or to obtain a revised Development Permit with approvals from Islands Trust for the additional work outside of the original scope.
- There has been no further communication from the owner nor has a new building permit application been received.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Aug 7, 2020      An email sent by the Chief Building Inspector to the owner asked of intentions for completion of the project.

Appendix B

Photos:

September 20, 2019





February 7, 2020



April 20, 2020





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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of 100 East Point Road, Lot A, Section 18, Saturna Island, Cowichan District, Plan VIP75287, PID 025-674-102, File NT000293**

**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 15, 2019, 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 for the construction of four Accessory Buildings and two decks being utilized and occupied as campground rental accommodation without the benefit of a building permits or approvals. Two registered letters were sent to the owner requesting that building permit applications be submitted.

Site visits on October 10, 2019 and May 13, 2020 confirmed that the decks around Accessory Buildings #1 and #2 had been removed, and that the two large tents had also been removed from Deck #1 and Deck #2. However, no permit applications have been received for Accessory Buildings #3 and #4, or for the Decks #1 and #2 built in proximity to the cliff edge.

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

**2.1.2 Permits Required**

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

**3.1.1 Work Without Permits**

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

**3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

**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 18, Saturna Island, Cowichan District, Plan VIP75287, PID 025-674-102 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 18, Saturna Island, Cowichan District, Plan VIP75287, PID 025-674-102 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:	Michael Barnes, MPP, A/General Manager, Planning & Protective Services

**ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

## Appendix A

### History:

- Aug 15, 2019 A Stop Work Order was posted for the construction of four Accessory Buildings and two large Decks without the benefit of building permits or approvals. Photos were taken:
- a) Accessory Building #1 was a small cabin structure with attached deck, occupied as campground rental accommodation.
  - b) Accessory Building #2 is a similar cabin structure with attached deck, occupied as campground rental accommodation.
  - c) Accessory Building #3 is a pit toilet outhouse.
  - d) Accessory Building #4 is an indoor coin operated shower house with basin and outdoor sink.
  - e) Deck #1 has a large tent erected on it, occupied as campground rental accommodation.
  - f) Deck #2 has a large tent erected on it, occupied as rental accommodation.
- Registered letter sent to the owner regarding construction of two Accessory Buildings used as dwellings without permits, and advised permit applications were required by September 16, 2019.
- Aug 21, 2019 Letter received from owner advised that Islands Trust confirmed that zoning for a campground only. Use of buildings as dwellings not a permitted use. Owner also indicated that buildings would be used strictly for storage and owner would not be applying for a building permit.
- Aug 23, 2019 A registered letter sent to the owner advised that permit applications were required by September 20, 2019 for:
- a) Two storage sheds (Accessory Building #1, Accessory Building #2), both greater than 10 square meters due to addition of decks.
  - b) Plumbing permit also required for Shower Building (Accessory Building #2).
  - c) Building permits required for two decks that support two tents, and geotechnical reports for both decks required due to their proximity to the cliff edge.
- Sep 4, 2019 A phone message received from the owner stated that they would comply and requested a site visit by the Building Inspector.
- Sep 10, 2019 Email received from owner advising of follow up regarding plumbing work on Accessory Building #4 (shower and outdoor sink).
- The Building Inspector responded to email from the owner confirming that in addition to the required plumbing permit, a building permit application was required. The Building Inspector also advised the owner to contact Islands Trust regarding planning and Vancouver Island Health Authority regarding septic system.
- Sep 19, 2019 Site visit completed by the Building Inspector with the owner.



- Oct 10, 2019      Site visit completed by the Building Inspector. Decks around Accessory Buildings #1 and #2 had been removed. Tents on Decks #1 and #2 and Accessory Buildings #3 (outhouse) and #4 remained (shower).
- May 13, 2020      Site visit completed by the Building Inspector. Tents on Decks #1 and #2 had been removed, however decks remained in proximity to cliff edge. Accessory Building #4 (shower and outdoor sink) remained. Photos were taken.
- Jul 28, 2020      To date no applications have been received for the construction of:
- a) Accessory Building #3 (pit toilet outhouse)
  - b) Accessory Buildings #4 (shower house with outdoor sink)
  - c) Deck #1 in proximity to cliff edge
  - d) Deck #2 in proximity to cliff edge

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

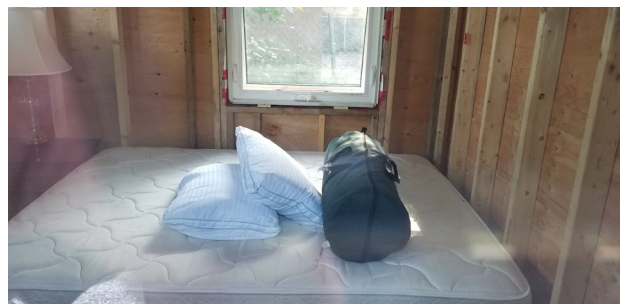
## Appendix B

### Photos:

August 15, 2019



Accessory Building #1 (Cabin with Deck)



Accessory Building #2 (Cabin with Deck)



Accessory Building #3 (Pit Toilet Outhouse)







Accessory Building #4 (Shower House with Outdoor Sink)



Deck #1



Deck #2





May 13, 2020



Accessory Building #1 (Cabin) and #2 (Cabin)



Accessory Buildings #3 (Pit Toilet Outhouse) and #4 (Shower House with Outdoor Sink)



Deck #1



Deck #2



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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, SEPTEMBER 9, 2020**

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**SUBJECT**     **File Notice on the Land Title of 131 East Point Road, Lot 2, Section 18, Saturna Island, Cowichan District, Plan 19556, PID 003-733-301, File NT000290**

**ISSUE SUMMARY**

The purpose of this staff report is to recommend that a notice be placed on the land title of the property described above as a result of non-compliance with Capital Regional District (CRD) or other regulations.

**BACKGROUND**

Since December 11, 2018, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Order was posted on December 11, 2018 on what appeared to be a tiny home constructed on a trailer without the benefit of a building permit or approvals. Registered letters were sent December 13, 2018 and March 4, 2019 requesting a building permit application be submitted.

A second Stop Work Order was posted on March 18, 2020 for continued work on the tiny home without the benefit of a building permit or approvals. The owner was living in the tiny home on the property. A registered letter was hand delivered on May 13, 2020 advising that a staff report was being prepared for Notice on Title.

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

**2.1.2 Permits Required**

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

**3.1.1 Work Without Permits**

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction unless a building official has issued a valid and subsisting permit for the work.

**3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

## **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 2, Section 18, Saturna Island, Cowichan District, Plan 19556, PID 003-733-301 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 2, Section 18, Saturna Island, Cowichan District, Plan 19556, PID 003-733-301 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:	Michael Barnes, MPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

Dec 11, 2018	A Stop Work Order posted for construction of a tiny home on a trailer without the benefit of permits or approvals. Photos were taken.
Dec 13, 2018	A registered letter sent to owner advised that a Stop Work Order was posted and a building permit application was required by January 11, 2019. Canada Post returned the letter as unclaimed.
Mar 4, 2019	A second registered letter sent to owner advised that a Stop Work Order was posted for the construction of a tiny home on a trailer and a building permit application was required. Canada Post returned the letter as unclaimed.
Mar 20, 2019	The Building Inspector spoke by phone with the owner who advised that the structure was a travel trailer with no bathroom. The Building Inspector advised the owner that the trailer could be completed as it was being removed from the Island.
Mar 18, 2020	The Building Inspector completed a site visit and a second Stop Work Order was posted for continued work on the tiny home on the a trailer without the benefit of permits or approvals The owner was living in the tiny home. Photos were taken.
Apr 30, 2020	The Building Inspector visited the site and the owner advised the tiny home on a trailer would be moved off the property once complete.
May 13, 2020	A third letter hand delivered by the Building Inspector advised that a Stop Work Order had been posted for the construction of a tiny home on a trailer, and that a staff report was being prepared for Notice on Title.
Aug 14, 2020	<p>The Chief Building Inspector discussed this matter with the owner by phone. The owner indicated that she is not currently living in the bulding but using it for storage purposes. She is not prepared at this time to submit a building permit application.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>



## Appendix B

### Photos:

December 11, 2018



March 18, 2020

