



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, November 4, 2020

11:30 AM

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

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

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

- 4.1. [20-664](#) File Notice on the Land Title of 1911 North End Road, Lot B, Section 10, Range 1 North, North Salt Spring Island, Cowichan District, Plan VIP65553 Except Part in Plan VIP85618, PID 023-829-842, File NT000292

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 10, Range 1 North, North Salt Spring Island, Cowichan District, Plan VIP65553 Except Part in Plan VIP85618 PID 023-829-842, or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 1911 North End Road, Cowichan District](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

- 4.2. [20-662](#) File Notice on the Land Title of 423 Wood Dale Drive, Lot 76, Section 7, Mayne Island, Cowichan District, Plan 23397 PID 003-088-910 File NT000304

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 76, Section 7, Mayne Island, Cowichan District, Plan 23397 PID 003-088-910 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 423 Wood Dale Drive, Cowichan District](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

[Appendix C: Geotechnical Red Zone Map](#)

5. Adjournment

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



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 4, 2020**

SUBJECT **File Notice on the Land Title of 1911 North End Road, Lot B, Section 10, Range 1 North, North Salt Spring Island, Cowichan District, Plan VIP65553 Except Part in Plan VIP85618, PID 023-829-842, File NT000292**

ISSUE SUMMARY

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

BACKGROUND

Since June 4, 2014, 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 June 4, 2014 on a mobile home moved in without a building permit or approvals. Registered letters were sent July 4, 2014, January 6 and March 18, 2020 requesting a building permit application be submitted. Additional information on permit application processes and requirements were provided by email.

A Do Not Occupy Order was posted on April 24, 2020. A registered letter was sent. The owner responded by email with a request to postpone proceeding with Notice on Title pending results of an application for land use approval. Islands Trust advised that documents to support a land use application requested January 28, 2020 had not been submitted as of April 28, 2020. A registered letter was sent May 20, 2020 advising that a staff report was being prepared.

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 B, Section 10, Range 1 North, North Salt Spring Island, Cowichan District, Plan VIP65553 Except Part in Plan VIP85618, PID 023-829-842 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 10, Range 1 North, North Salt Spring Island, Cowichan District, Plan VIP65553 Except Part in Plan VIP85618 PID 023-829-842, or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

Jun 4, 2014	Stop Work Order posted for move in of a mobile home without permit. Photos taken.
Jul 4, 2014	Letter sent to owners advising that a Stop Work Order was posted and a building permit application was requested to be submitted by July 11, 2014.
May 23, 2019	Received the record of Sewerage System for a campsite and “other dwelling” from Vancouver Island Health Authority. The Island Health application included plans for a composting toilet and grey water system to serve a proposed campground.
Nov 21, 2019	Building Permit Information Report prepared at request of owner.
Nov 28, 2019	Email from Building Inspection Clerk to owner advising that a Stop Work Order was posted on June 4, 2014 for move in of a mobile home without permit, and that a Building Inspector would be following up by conducting a site visit.
Jan 3, 2020	Site visit completed. Photos taken.
Jan 6, 2020	Registered letter sent to owners advising that no building permit application was received and a staff report for Notice on Title was being prepared.
Jan 17, 2020	Owner phoned and spoke with Building Inspector regarding letter and permit application requirements. Email from owner received, advising that application was brought to the Building Inspection office and owner was advised by Building Inspection Clerk that Islands Trust approval was required prior to submission of the building permit application. Owner indicated Islands Trust application had now been submitted.
Jan 20, 2020	Building Inspector emailed owner with details of building permit application requirements.
Mar 4, 2020	Building Inspector emailed owner to request progress on application including required Islands Trust approval.
Mar 18, 2020	Building Inspector emailed owner to request progress on application including required Islands Trust approval. Registered letter sent to owners advising that no building permit application was received and a staff report for Notice on Title was being prepared.
Apr 24, 2020	Do Not Occupy Order posted for move in of a mobile without permit, Occupancy without permit or Conditional Certificate of Occupancy. Photos taken.

Owners emailed Building Inspector in response to March 18, 2020 registered letter. Email referenced planning challenges, possible change to BC Agricultural Lands Commission policies, possible future uses of the move-in mobile home. Owner requested delay in preparation of staff report for Notice on Title.

Apr 28, 2020 Islands Trust provided information on progress of land use application. Required additional information from owners was requested January 28, 2020. No further information was received. Application to BC Agricultural Lands Commission (ALC) had not be submitted.

May 20, 2020 Registered letter sent owners advising that as no permit application had been received, a staff report for Notice on Title was being prepared, and that if required approvals were received, a building permit application could be submitted.

Oct 7, 2020 Contacted Islands Trust and confirmed that needed information still has not been provided by the owners for both the mobile home installation and the proposed campground use. Islands Trust has not been contacted by the owners since January 2020.

To date a building permit application has not been received. The Chief Building Inspector phoned the owner and discussed the lack of progress with the approval process. Owner said the mobile home is not occupied but is being renovated (without permit approval). Owner is unsure of current ALC regulations. Chief Building Inspector advised owner to contact ALC and Islands Trust to discuss the application and proceed towards approval.

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

Appendix B

Photos:

June 4, 2014



January 3, 2020



April 24, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, NOVEMBER 4, 2020

SUBJECT **File Notice on the Land Title of 423 Wood Dale Drive, Lot 76, Section 7, Mayne Island, Cowichan District, Plan 23397 PID 003-088-910 File NT000304**

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 20, 2016, 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 20, 2016 and a second Stop Work Order was posted on July 4, 2019 on a single family dwelling (SFD) constructed in a rock fall hazard red zone without the benefit of a building permit or approvals.

Registered letters addressing the need for permits and approvals were sent with no response received and the site visit on July 4, 2019 revealed that the SFD was occupied. A recent visit confirmed the SFD remains occupied.

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.

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 76, Section 7, Mayne Island, Cowichan District, Plan 23397 PID 003-088-910 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 76, Section 7, Mayne Island, Cowichan District, Plan 23397 PID 003-088-910 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 C: Geotechnical Red Zone Map

Appendix A

History:

Dec 20, 2016	<p>A Stop Work Order was posted for a SFD under construction in a rock fall hazard red zone (see Appendix C) without the benefit of permits or approvals.</p> <p>A registered letter sent to the owner advised that a Stop Work Order was posted and that a building permit could not be issued without the approvals of a registered Geotechnical Engineer. A copy of a letter sent dated September 9, 2008 was enclosed which notified the owner that the property was considered to be subject to erosion, land slippage and rock fall hazards and a building permit could not be issued until a geotechnical engineer's report was received that advised that the site was safe for the use intended.</p>
Feb 28, 2017	<p>A site visit conducted by the Building Inspector revealed no change.</p>
Jul 4, 2019	<p>A second Stop Work Order was posted for the same SFD constructed on a foundation in a rock fall hazard red zone without the benefit of permits or approvals and that the SFD was occupied. Photos were taken.</p>
Jul 12, 2019	<p>A registered letter sent to the owner advised that a Stop Work Order was posted and that there is a safety concern due to the structure being in a rock fall hazard red zone. The letter advised that the next step is to register a Notice on Title and that an invitation to attend the public meeting would be sent. Canada Post returned the letter.</p>
Aug 15, 2019	<p>A site visit conducted by the Building Inspector indicated no change.</p>
Aug 22, 2019	<p>A registered letter sent to the owner from the Chief Building Inspector acknowledged the letter dated July 12, 2019 and a site visit on August 15, 2019 and advised that as no response was received, the next step is to register a notice on land title and that the fee for removing the notice is \$500. Once the notice is registered, a building permit would still be required and a final inspection be carried out to ensure there are no safety concerns. Canada Post returned the letter.</p>
Apr 16, 2020	<p>A site visit conducted by the Building Inspector revealed that there was no change and the SFD remained occupied.</p>
Sep 9, 2020	<p>A site visit was conducted by the Building Inspector. SFD still appears to be occupied and further construction has taken place. Photos were taken</p>
Oct 5, 2020	<p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>

Appendix B

Photos:

July 4, 2019



September 9, 2020



Geotechnical Red Zone Map:

