



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, April 14, 2021

11:00 AM

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

Hearing Session

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

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. 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. [20-708](#) Minutes of the Hearing Session of the September 9, 2020 and November 4, 2020 Electoral Areas Committee Meetings

Recommendation: That the minutes of the Hearing Session of the September 9, 2020 and November 4, 2020 Electoral Areas Committee Meetings be adopted as circulated.

Attachments: [Hearing Minutes - September 9, 2020](#)
[Hearing Minutes - November 4, 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 [1]****- Salt Spring Island [1]**

- 5.1.** [21-238](#) File Notice on the Land Title of 17285 Parkinson Road, Renfrew District, PID 023-744-961, File NT000291

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, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-17285 Parkinson Road, PID 023-744-961](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 5.2.** [21-234](#) File Notice on the Land Title of 121 Northern Way, North Salt Spring Island, PID 028-882-482, File NT000302

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: Strata Lot 1, Sections 1 and 2, North Salt Spring Island, Range 1 East, Cowichan District, Strata Plan EPS578 Together With an Interest in the Common Property in Proportion to the Unit of Entitlement of the Strata Lot as Shown on Form V, PID 028-882-482, or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 121 Northern Way](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

6. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, September 9, 2020

11:00 AM

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

Hearing Session

PRESENT

Directors: M. Hicks (Chair), B. Mabberley (for D. Howe (Vice Chair)) (11:03 am), G. Holman, C. Plant (Board Chair, ex-officio) (11:24 am)

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; T. Robbins, General Manager, Integrated Water Services; S. Carby, Senior Manager, Protective Services; M. Taylor, Manager, Building Inspection; J. Starke, Manager, Service Delivery, SGI Planning; M. Lagoa, Acting Deputy Corporate Officer; T. Phillipow, Committee Clerk (Recorder)

Regrets: Director D. Howe

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

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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 Holman, SECONDED by Alternate Director Mabberley,
That the agenda for the Hearing Session of the September 09, 2020 Electoral**

Areas Committee meeting be approved.

MOVED by Director Hicks, **SECONDED** by Director Holman,
That the agenda be amended to move Item 5.1. to accommodate the property owner.

CARRIED

MOVED by Director Holman, **SECONDED** by Alternate Director Mabblerley,
That the agenda for the Hearing Session of the September 09, 2020 Electoral Areas Committee meeting be approved as amended.

CARRIED

3. Adoption of Minutes

- 3.1. [20-537](#) Minutes of the Hearing Session of the July 8, 2020 Electoral Areas Committee Meeting

MOVED by Director Holman, **SECONDED** by Alternate Director Mabblerley,
That the minutes of the Hearing Session of the July 8, 2020 Electoral Areas Committee Meeting be adopted as circulated.

CARRIED

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

Mr. Peter Hovey spoke to item 5.1. Sea Cans were placed on the premises and used as seasonal staff quarters. The containers were not constructed to building code standards, and therefore need to be used as storage only, or brought up to code. Mr. Hovey will be out of the country from December to March.

Mr. Robert Fitzgerald spoke to Item 5.6. He assured the committee that the 100sqft storage units are no longer being used for habitation, and sought clarification on the need of a plumbing permit.

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

M. Taylor spoke to item 5.1.

Discussion ensued on the policy surrounding sea cans as dwellings.

MOVED by Director Hicks, **SECONDED** by Director Holman,
That this item be tabled until December 25, 2020.

CARRIED

- 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

MOVED by Director Hicks, **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 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).

CARRIED

- 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

MOVED by Director Hicks, **SECONDED** by Alternate Director Mabblerley,
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).

CARRIED

- 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

M Taylor spoke to item 5.4.

MOVED by Alternate Director Mabblerley, **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 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).

CARRIED

- 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

M Taylor spoke to item 5.5.

Discussion ensued on correspondence.

MOVED by Alternate Director Mabblerley, **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 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).

CARRIED

- 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

**MOVED by Alternate Director Mabberley, SECONDED by Director Holman,
That this item be tabled for 60 days.
CARRIED**

- 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

M Taylor spoke to item 5.7.

Discussion ensued on having an engineer or architect complete a safety certification.

**MOVED by Alternate Director Mabberley, SECONDED by Director Holman,
That the Electoral Areas Committee receive correspondence from the property owner.
CARRIED**

**MOVED by Alternate Director Mabberley, SECONDED by Director Holman,
That this item be tabled for 60 days.
CARRIED**

6. Adjournment

**MOVED by Director Holman, SECONDED by Director Plant,
That the September 09, 2020 Electoral Areas Committee meeting be adjourned at 11:44 am.
CARRIED**

Chair

Recorder

Meeting Minutes

Electoral Areas Committee

Wednesday, November 4, 2020

11:30 AM

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

Special Hearing Session

PRESENT

Directors: M. Hicks (Chair), P. Brent (for D. Howe (Vice Chair)), G. Holman

Staff: R. Lapham, Chief Administrative Officer; R. Lachance, Acting Chief Financial Officer, Financial Services (for N. Chan); 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. 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; A. Xu, Manager Engineering, Salt Spring Island Administration; M. Lagoa, Acting Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

Guest: Director Taylor

Regrets: Director D. Howe (Vice Chair), C. Plant (Board Chair, ex-officio)

The meeting was called to order at 11:32 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 Holman, **SECONDED** by Alternate Director Brent,
That the agenda for the November 4, 2020 Hearing Session of the Electoral Areas
Committee meeting be approved.

CARRIED

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

There were no comments by property owners.

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

M. Taylor spoke to Item 4.1.

MOVED by Director Holman, **SECONDED** by Alternate Director Brent,
That the Corporate Officer file a Notice in the Victoria Land Title office stating
that a Resolution has been made under Section 57 of the Community Charter
relating to land legally described as: Lot 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).

CARRIED

- 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

M. Taylor spoke to item 4.2.

MOVED by Alternate Director Brent, **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 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).

CARRIED

5. Adjournment

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the November 4, 2020 Hearing Session of the Electoral Areas Committee
meeting be adjourned at 11:36 am.

CARRIED

Chair

Recorder



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 14, 2021

SUBJECT **File Notice on the Land Title of 17285 Parkinson Road, Renfrew District, PID 023-744-961, File NT000291**

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 January 31, 2018, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

On April 19, 2018 a building permit was issued for a motel renovation. On February 15, 2019 the Building Inspector revoked the permit under CRD Building Regulations Bylaw 3741, Section 2.5.5.

On October 3, 2019 a Stop Work Order was posted for motel renovation work without the benefit of a building permit or approvals. The project engineer rescinded their letters of assurance and the sealed drawings issued.

On July 8, 2020, a staff report was presented at the Electoral Areas Committee meeting. The committee tabled the report until the next meeting. On August 6, 2020 an incomplete building permit application was received to reactivate the motel renovation. To process the application, several letters were sent requesting the necessary information, most recently November 30, 2020.

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 2, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961 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, District Lot 17, Renfrew District, Plan VIP65199, PID 023-744-961 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:

Jan 31, 2018	Application received for alteration of a commercial building (motel). Additional information required to process the application.
Feb 16, 2018	Email sent to owner's agent acknowledged receipt of the building permit application and plan processing fee, and requested additional information be submitted to continue processing the application. Email received from owner's agent included some of the requested information.
Mar 1, 2018	Site visit conducted by Building Inspector.
Mar 2, 2018	Email received from owner's agent included more of the requested information.
Mar 29, 2018	Email received from owner's agent included remainder of the requested information.
Mar 29 - Apr 6, 2018	Emails received from owner's agent confirmed the status of the Island Health sewage system filing and professional sewage system report.
Apr 19, 2018	Building permit BP004036 issued for alteration of a commercial building (motel).
Sep 6, 2018	Site visit conducted by Building Inspector.
Nov 6, 2018	Site visit conducted by Building Inspector.
Jan 15, 2019	Letter sent to owner requested that an inspection be booked before February 15, 2019 to avoid expiry of permit BP004036.
Jan 24, 2019	Email received from Structural Engineer included field review report. Email sent to Structural Engineer and owner's agent requested sealed as-built drawings if the scope of work was to change, and relied on Engineer of record for certification of the guards.
Feb 5, 2019	Progress review conducted by Building Inspector determined the renovations had significantly changed from the issued permit's drawings.
Feb 15, 2019	Letter sent by registered mail to owner advised that permit BP004036 was revoked under CRD Building Regulations Bylaw 3741, Section 2.5.5 which state in part: The Building Official may revoke a Permit where there is a violation of: (1) a condition under which the permit was issued; or (2) a provision of the Building Code, this Bylaw or other applicable bylaws or enactments.

Letter also advised that the Bylaw, Section 2.5.6., further states:

“Any person who has been notified in writing that work done by him or her or on his or her behalf is a violation referred to in Section 2.5.5., shall have no Permit issued to him or her in respect of the same property, until he or she has complied, corrected the violation or satisfied the Building Official of his or her ability to do so.”

Delivered on February 19, 2019.

- | | |
|--------------|---|
| Apr 4, 2019 | Site visit conducted by Building Inspector determined work had not been completed. |
| Jun 21, 2019 | Received building permit application BP005506 for alteration of a commercial building (motel). |
| Jul 11, 2019 | Letter sent to the owner's agent acknowledged receipt of building permit application and requested additional information be submitted by August 12, 2019 to continue processing the application. |
| Aug 12, 2019 | Email received from owner's agent requested an extension to provide the additional information.

Email sent to owner's agent advising granted one month extension. |
| Oct 3, 2019 | Stop Work Order (SWO) posted for motel renovation completed without permits or approvals, as well as a moved-in manufactured building. Photos taken. |
| Oct 7, 2019 | Letter sent by registered mail to owner advised that a SWO was posted and two building permit applications were required by November 7, 2019 for the motel renovation and manufactured building.

Delivered on October 15, 2019. |
| Nov 5, 2019 | Site visit conducted by Building Inspector. |
| Nov 6, 2019 | Letter sent by registered mail to owner referencing letter of October 7, 2019 and site visit on November 5, 2019. Advised that the next step would be to register a notice on title, that the fee to remove the notice is \$500, and that an invitation to attend the public meeting would be sent.

Delivered on November 8, 2019. |
| Nov 15, 2019 | Email received from the Structural Engineer rescinded their letters of assurance and the sealed drawings issued.

Emails exchanged between owner's agent and Structural Engineer discussed the project status and retraction letters. Owner's agent clarified that other than a temporary handrail for safety issues, no other work would be completed until a new design and permit were issued. |
| Dec 5, 2019 | Email sent to Structural Engineer and owner's agent requested clarification on the specific projects and permits involved. |

- Dec 17, 2019 Email received from Structural Engineer confirmed all documents submitted for the motel renovation project were retracted.
- Site visit conducted by Building Inspector.
- Dec 18, 2019 Email sent to Structural Engineer acknowledged receipt of the retraction letter for the motel project.
- Email received from Structural Engineer explained why the letters were retracted, expressed concerns with the motel project, and indicated several field review reports were completed.
- Email sent to Structural Engineer requested copies of the field review reports be submitted.
- Jan 20, 2020 Letter sent by registered mail to owner referencing letters of October 7 and November 6, 2019 and advised that the notice on title would proceed, that the fee to remove the notice is \$500, and that an invitation to attend the public meeting would be sent.
- Delivered on January 24, 2020.
- Jan 21, 2020 Received copies of field review reports conducted March 23 and June 8, 2018 and November 7, 2019.
- Jan 28, 2020 Email received from owner requested information on original violation.
- Jan 29, 2020 Email sent to owner included the SWO from October 3, 2019.
- Email received from owner advised that the moved-in manufactured building included in the SWO is located on the neighbouring property.
- Feb 4, 2020 Phone call received from owner's agent responded to the SWO posted on October 3, 2019, advised that the motel renovation work was not done, and indicated he was awaiting documents from the professionals in support of the building permit application submitted.
- Feb 19, 2020 Building Inspector advised Clerks to ensure that follow up letters remove references to moved-in manufactured building, as it belongs to another property address.
- Letter sent to owner's agent acknowledged the building permit application received on June 21, 2019, requested additional information be submitted by March 11, 2020, and advised that file had been forwarded for registration of a notice on title and further enforcement.
- Mar 10, 2020 Owner's agent visited Juan de Fuca Building Inspection office. Building Inspector advised owner's agent to submit as-built drawings and full certification for the work completed without inspections, and indicated that a notice on title was required.
- Mar 12, 2020 Site visit conducted by Building Inspector. Photos taken.

Mar 23, 2020	<p>Letter sent by registered mail to owner referencing the letter of February 19, 2020 and advised that, as the requested information was not received, the notice on title would proceed, that the fee to remove the notice is \$500, and that an invitation to attend the public meeting would be sent.</p> <p>Delivered on March 27, 2020.</p>
Apr 14, 2020	<p>Site visit conducted by Building Inspector. Photos taken.</p>
Jun 3, 2020	<p>No further communication received from owner or owner's agent to date.</p> <p>Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>
Jul 8, 2020	<p>At the Electoral Areas Committee meeting, the staff report was tabled until next meeting.</p>
Aug 6, 2020	<p>Received building permit application BP006571 for reactivation of the alteration of a commercial building (motel). Staff report put on hold.</p>
Aug 18, 2020	<p>Letter sent by email to applicant acknowledged receipt of building permit application on August 6, 2020 and requested additional information be submitted by September 18, 2020 to continue processing the application.</p>
Sep 14, 2020	<p>Follow-up letter sent by email referencing the August 18, 2020 letter and requested the necessary information be submitted by October 14, 2020.</p>
Sep 17, 2020	<p>Received approval to connect the water system.</p>
Oct 28, 2020	<p>Letter sent to applicant referencing the letters of August 18 and September 14, 2020 and requested the necessary information be submitted by November 27, 2020.</p>
Nov 30, 2020	<p>Letter sent to applicant referencing letters of August 18, September 14, and October 28, 2020 and requested the necessary information be submitted by January 6, 2021.</p>
Feb 10, 2021	<p>To date no additional information received. Building Inspector recommended staff report be taken off hold.</p>
March 19, 2021	<p>Chief Building Inspector contacted the owner to discuss his intentions with this project. Although the owner has not been in recent discussion with his architect he says he intends to provide the needed information. Chief Building Inspector asked that he submit an email advising of his intentions and timelines.</p> <p>Due to the length of inactivity of this application the Chief Building Inspector recommends the Notice on Title report to the Electoral Areas Committee proceed at this time</p>

Appendix B

Photos:

October 3, 2019



March 12, 2020



April 14, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 14, 2021

SUBJECT **File Notice on the Land Title of 121 Northern Way, North Salt Spring Island, PID 028-882-482, File NT000302**

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 January 3, 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 January 3, 2018 for construction and habitation of a cabin without permit. A letter was sent January 16, 2018 advising that a permit application was required. An application to deconstruct the cabin was received on August 28 and issued on September 12, 2019. No inspections were completed. Letters were sent February 24 and April 30, 2020 advising that inspections were required or the permit would expire. There was no response. The permit expired June 30, 2020.

A registered letter was sent July 20, 2020 advising that a staff report was being prepared and a permit application was required by August 31, 2020 to avoid this step. The owner was contacted on August 4, 2020 regarding the status of the project and responded that a permit application would not be submitted.

A change of owner information on the Land Title was noted on October 8, 2020. A second registered letter was sent October 9, 2020 advising that a staff report was being prepared. No application was 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:

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: Strata Lot 1, Sections 1 and 2, North Salt Spring Island, Range 1 East, Cowichan District, Strata Plan EPS578 Together With an Interest in the Common Property in Proportion to the Unit of Entitlement of the Strata Lot as Shown on Form V, PID 028-882-482, 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: Strata Lot 1, Sections 1 and 2, North Salt Spring Island, Range 1 East, Cowichan District, Strata Plan EPS578 Together With an Interest in the Common Property in Proportion to the Unit of Entitlement of the Strata Lot as Shown on Form V, PID 028-882-482, 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:

Jan 3, 2018	Stop Work Order posted for construction and habitation of an accessory building (cabin) without a permit.
Jan 16, 2018	Letter sent to owner advising that a permit application was required.
Aug 28, 2019	Application to deconstruct accessory building (cabin) received.
Aug 29, 2019	A second and third owner were added to the Land Title.
Sep 12, 2019	Permit to deconstruct accessory building (cabin) issued.
Feb 24, 2020	Letter sent to owner advising that no inspections had been carried out, and that an inspection was required by March 12, 2020.
Mar 12, 2020	Owner visited Building Inspection office to discuss permit requirements. Building Inspector approved an extension of the permit to May 30, 2020.
Apr 30, 2020	Letter sent to owner advising that the permit extension would expire May 30, 2020 if a final inspection was not completed.
May 21, 2020	Building Inspector reviewed file and approved extension of the permit to June 30, 2020.
Jun 24, 2020	Owner called Building Inspection office and advised that he wanted to cancel the demolition permit and apply for a permit to bring the accessory building (cabin) up to code.
Jul 20, 2020	No permit application received to bring accessory building (cabin) up to code. Registered letter sent to owners referencing letters of February 24 and April 30, 2020, and advising that the demolition permit had expired and that our next step is to register a notice on the land title unless a building permit application is received by August 31, 2020.
Aug 4, 2020	Owner contacted regarding the status of the project and responded that a permit application would not be submitted.
Sep 1, 2020	Site visit conducted by Building Inspector. Photos taken.
Oct 9, 2020	Review of Land Title October 8, 2020 determined that the second and third owners were no longer owners of the property. A second registered letter was sent to the remaining owner (November 17, 2017 to current), referencing letters of January 16, 2018, February 24, April 30 and July 20, 2020. Letter advised that a staff report was being prepared and that a building permit application was required by November 9, 2020. Canada Post tracking confirmed the letter was delivered.

- Feb 26, 2021 To date a building permit application has not been received.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Mar 15, 2021 The Chief Building Inspector spoke with the father of the owner, who was very familiar with the project. He indicated that at present they do not intend to apply for a building permit, although they do intend to retain the building, which is only occasionally occupied as a dwelling. He suggested we proceed with the recommendation for a notice on title.

Appendix B

Photos:

September 1, 2020

