

## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, September 8, 2021

11:00 AM

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

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### 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. [21-632](#) Minutes of the Hearing Session of the April 14, 2021 Electoral Areas Committee Meeting

**Recommendation:** 1. That the minutes of the Hearing Session of the April 14, 2021 Electoral Areas Committee meeting, previously adopted on July 14, 2021, be rescinded.  
2. That the updated minutes of the Hearing Session of the April 14, 2021 Electoral Areas Committee meeting be adopted as circulated.

**Attachments:** [Minutes - April 14, 2021](#)

#### 3.2. [21-617](#) Minutes of the Hearing Session of the July 14, 2021 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of July 14, 2021 be adopted as circulated.

Attachments:      [Minutes - July 14, 2021](#)

**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]**

- 5.1.**      [21-620](#)      File Notice on the Land Title of Lot 1, Section 8, Otter District, Plan 22722, PID 001-429-710, File NT000305

**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 1, Section 8, Otter District, Plan 22722, PID 001-429-710 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**      [Staff Report: NoT-Unit 10, Lot 1, Sec 8, Plan 22722, PID 001-429-710](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

**6. Adjournment**

## **Meeting Minutes**

### **Electoral Areas Committee**

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**Wednesday, April 14, 2021**

**11:00 AM**

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

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**Electoral Areas Committee**

**Meeting Minutes**

**April 14, 2021**

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#### **Hearing Session**

##### **PRESENT**

Directors: M. Hicks (Chair) (EP), G. Holman (Vice-Chair), 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, Legal Services; S. Carby, Senior Manager, Protective Services; L. Xu, Manager, Financial 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; L. Xu, Manager, Finance Services; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder); S. Orr, Senior Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Director Howe

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

The Chair provided the Territorial Acknowledgement.

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

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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 Plant, SECONDED by Director Holman,  
That the agenda for the April 14, 2021 Electoral Areas Committee meeting be  
approved.  
CARRIED**

## **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

**MOVED by Director Plant, SECONDED by Director Holman,  
That the minutes of the Electoral Areas Committee meeting of September 9, 2020  
and November 4, 2020 be adopted as circulated.  
CARRIED**

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

There were no property owners present.

## **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

M. Taylor spoke to Item 5.1.

**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 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).  
CARRIED**

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

M. Taylor spoke to Item 5.2.

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

**CARRIED**

## 6. Adjournment

**MOVED** by Director Plant, **SECONDED** by Director Holman,  
That the April 14, 2021 Hearing Session of the Electoral Areas Committee meeting be adjourned at 11:09 am.

**CARRIED**

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Chair

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Recorder

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, July 14, 2021

11:00 AM

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

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Electoral Areas Committee

Meeting Minutes

July 14, 2021

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#### Hearing Session

##### PRESENT

Directors: M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent (for D. Howe) (EP), 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; T. Robbins, General Manager, Integrated Water Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Carby, Senior Manager, Protective Services; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Regrets: Director D. Howe

The meeting was called to order at 11:00 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.

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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 Hearing Session of the July 14, 2021 Electoral Areas  
Committee meeting be approved.

**CARRIED**

## 3. Adoption of Minutes

- 3.1. [21-573](#) Minutes of the Hearing Session of the April 14, 2021 Electoral Areas  
Committee Meeting

**MOVED** by Director Holman, **SECONDED** by Director Plant,  
That the minutes of the Hearing Session of the April 14, 2021 Electoral Areas  
Committee meeting of 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 - Salt Spring Island [2]

- 5.1. [21-541](#) File Notice on the Land Title of 523 Long Harbour Road, Lot A, Sections 1  
and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan  
29607, PID 001-379-003, File NT000281

M. Taylor spoke to Item 5.1.

Discussion ensued on the following:

- whether the timeline would affect the Notice on Title
- occupancy status of this building

**MOVED** by Director Holman, **SECONDED** by Director Hicks,  
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, Sections 1 and 2, Range 5 East,  
North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 or any  
subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

- 5.2. [21-542](#) File Notice on the Land Title of 531 Long Harbour Road, Lot 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494, File NT000280

M. Taylor spoke to Item 5.2.

**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 1, Section 1, Range 5 East, North Salt Spring Island, Cowichan District, Plan 37444, PID 001-050-494 or any subdivision of said lands as may be affected by the contravention(s).

**CARRIED**

## 6. Adjournment

**MOVED** by Alternate Director Brent, **SECONDED** by Director Holman,  
That the Hearing Session of the July 14, 2021 Electoral Areas Committee meeting be adjourned at 11:05 am.

**CARRIED**

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Chair

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Recorder





Making a difference...together

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, SEPTEMBER 8, 2021

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**SUBJECT**     **File Notice on the Land Title of Lot 1, Section 8, Otter District, Plan 22722, PID 001-429-710, File NT000305**

### **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 April 24, 2020, CRD Building Inspection staff have attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Order was posted April 24, 2020 on a Single Family Dwelling identified as unit number 10 for repairs in progress without the benefit of a building permit or approvals.

Registered letters were sent to the owners of unit number 10 on April 28, May 19 and June 12, 2020 and phone calls were received from the owners May 15, May 29 and June 16, 2020. No building permit application has been received to date.

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

#### **2.1.2 Permits Required**

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

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

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

#### **3.1.8 Work Contrary to Requirements**

No person shall do any work or carry out any construction contrary to a provision or requirement of the Bylaw, the *Building Code* or any other applicable enactment.

### **ALTERNATIVES**

#### *Alternative 1*

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 8, Otter District, Plan 22722, PID 001-429-710 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 1, Section 8, Otter District, Plan 22722, PID 001-429-710 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:**

Apr 24, 2020	Stop Work Order (SWO) was posted on a Single Family Dwelling (SFD) for repairs in progress without the benefit of permits or approvals. Photos taken identified the SFD as unit number 10 as indicated by the signage posted on the building.
Apr 28, 2020	Letter sent to the owners of unit number 10 by registered mail advised that a SWO was posted and a building permit application was required by May 25, 2020.
May 8, 2020	Site visit conducted by Building Inspector.
May 15, 2020	Owner called, acknowledged receipt of the letter and requested time to comply and provided updated mailing address.
May 19, 2020	Letter sent to the owners of unit number 10 by registered and regular mail referencing letter of April 28, 2020 and site visit on May 8, 2020. Advised that the next step would be to register a notice on title, the fee for removing the notice is \$500 and an invitation to attend the public meeting would be sent.
May 29, 2020	Owner called and indicated that their contractor was drawing up the plans, which would be submitted within one week.
Jun 8, 2020	Site visit conducted by Building Inspector.
Jun 12, 2020	Letter sent to the owners of unit number 10 by registered mail referencing letters dated April 28 and May 19, 2020 and site visits on May 8 and June 8, 2020 and advised that as no response was received a recommendation would be made to register a notice on land title and an invitation to attend the public meeting would be sent.
Jun 16, 2020	Owner called and acknowledged receipt of the letter and advised that their contractor was ill and they were still awaiting the drawings. Owner confirmed that no work had been done since March and a permit application would be submitted soon.
Jun 26, 2020	Site visit conducted by Building Inspector.
Aug 11, 2021	<p>To date, there has been no further communication from the owners of unit number 10 and a building permit application has not been received.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>
Aug 13, 2021	The Chief Building Inspector contacted the owners of unit number 10. Due to unavailability of their contractor they did not follow through with a permit application. They understand the need for a building permit, but still feel unable to submit an application at this time.

Appendix B

Photos:

April 24, 2020

