



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, October 13, 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. [21-781](#) Minutes of the Hearing Session of the September 8, 2021 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of September 8, 2021 be adopted as circulated.

Attachments: [Minutes - September 8, 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. [21-682](#) File Notice on the Land Title of 2713 Woodhaven Road, Lot 26, Section 81, Renfrew District, Plan 24939, PID 002-843-196, File NT000312

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 26, Section 81, Renfrew District, Plan 24939, PID 002-843-196 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-2713 Woodhaven Road; PID 002-843-196](#)
 [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

Wednesday, September 8, 2021

11:00 AM

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

Hearing Session

PRESENT

Directors: M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent (for D. Howe), 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; K. Campbell, Senior Manager, Salt Spring Island Administration; 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)

Regrets: Director D. Howe

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

1. Territorial Acknowledgement

Chair Hicks provided a Territorial Acknowledgement.

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

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

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

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

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

3. Approval of Agenda

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the agenda for the Hearing Session of the September 8, 2021 Electoral
Areas Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [21-632](#) Minutes of the Hearing Session of the April 14, 2021 Electoral Areas
Committee Meeting

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,

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.

CARRIED

- 4.2. [21-617](#) Minutes of the Hearing Session of the July 14, 2021 Electoral Areas
Committee Meeting

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the minutes of the Hearing Session of the Electoral Areas Committee
meeting of July 14, 2021 be adopted as circulated.

CARRIED

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

There were no comments by property owners.

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

- Juan de Fuca [1]

- 6.1. [21-620](#) File Notice on the Land Title of Lot 1, Section 8, Otter District, Plan 22722,
PID 001-429-710, File NT000305

M. Taylor spoke to Item 5.1.

MOVED by Director Hicks, **SECONDED** by Director Plant,

That the Corporate Officer file a Notice in the Victoria Land Title office stating
that a Resolution has been made under Section 57 of the Community Charter
relating to land legally described as: Lot 1, Section 8, Otter District, Plan 22722,
PID 001-429-710 or any subdivision of said lands as may be affected by the
contravention(s).

CARRIED

7. Adjournment

MOVED by Alternate Director Brent, **SECONDED** by Director Holman,
That the Hearing Session of the September 8, 2021 Electoral Areas Committee
meeting be adjourned at 11:05 am.

CARRIED

CHAIR

RECORDER



Making a difference...together

REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, OCTOBER 13, 2021

SUBJECT **File Notice on the Land Title of 2713 Woodhaven Road, Lot 26, Section 81, Renfrew District, Plan 24939, PID 002-843-196, File NT000312**

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 4, 2019, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

An incomplete application was received on November 4, 2019 for a Move-In Single Family Dwelling (SFD). A Stop Work Order was posted on November 18, 2019 for excavation and placement of the SFD on site prior to issuance of a building permit.

Numerous letters, emails, and phone calls were exchanged with the owner's brother on behalf of the owner between November 2019 and October 2020, as the Building Inspection office attempted to collect the information necessary to process the application and issue a building permit.

Following two extensions granted by the Building Inspector the application was cancelled on September 14, 2020. During a site visit on October 7, 2020, the Building Inspector posted a Do Not Occupy notice.

To date, no additional information or correspondence has been received from the owner.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.8 Work Contrary to Requirements

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

4.1.2 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 26, Section 81, Renfrew District, Plan 24939, PID 002-843-196 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 26, Section 81, Renfrew District, Plan 24939, PID 002-843-196 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:

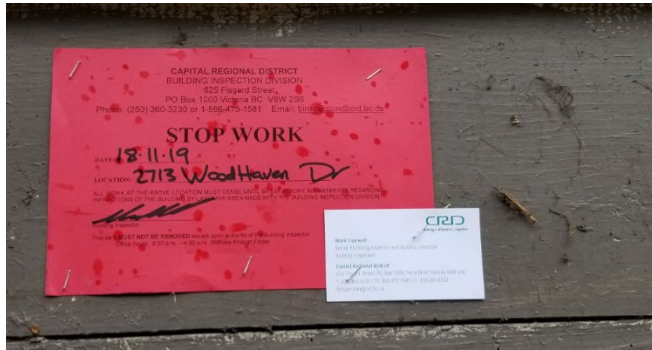
Nov 4, 2019	Application received to move a Single Family Dwelling (SFD) to the property. Additional documents were required in order to process and issue the permit.
Nov 5, 2019	Email sent to owner referenced the building permit application and requested additional information be submitted to process the application. Included a copy of the building permit application checklist.
Nov 13, 2019	Email sent to the owner reiterated that the application could not be processed until the necessary information was submitted.
Nov 19, 2019	Stop Work Order posted on the moved-in SFD for excavation and placement of the house on site prior to the issuance of a building permit. Photos taken.
Nov 21, 2019	Letter sent registered mail to the owner advised that the Stop Work Order was posted and additional documents were required by December 20, 2019. A list of the required information was included in the letter. Letter returned unclaimed on December 18, 2019.
Dec 6, 2019	Site visit conducted by Building Inspector.
Dec 13, 2019	Clerk sent an email to the owner that referenced the building permit application submitted on November 4, 2019 included the list of documents required to process the application and requested the information be submitted by January 13, 2020. Building Inspector sent a registered letter to the owner that referenced the Stop Work Order letter of November 21 and site visit on December 6, 2019, and advised that, if the required documents were not received, the next step would be to register a notice on the land title.
Dec 30, 2019	Site visit conducted by Building Inspector.
Jan 3, 2020	Letter sent to the owner by email and hand-delivered referenced the letters of November 21 and December 13 and site visits on December 6 and December 30, 2019 advised that as the required information was not received, the notice on title would proceed.
Jan 13, 2020	Email received from the owner's brother referenced the letter of December 13, 2019 included the engineer's report.
Jan 22, 2020	Email received from owner's brother indicated sealed structural drawings and Schedule B would be delivered by February 11, 2020.
May 8, 2020	Letter sent to the owner referenced the letter of December 13, 2019 included the list of information required to process the permit and requested the information be submitted by June 8, 2020 in order to avoid referral of file for further enforcement and registration of a notice on the land title.

Jun 10, 2020	<p>Letter sent to the owner referenced the letters of December 13, 2019 and May 8, 2020 advised that the file had been forwarded for further enforcement and registration of a notice on the land title.</p> <p>Call received from owner's brother to update their status. Advised by clerk to send in what they had so far.</p> <p>Email received from owner's brother referenced letter of June 10, 2020. Structural drawings and Schedule B were submitted by email, but physical copies were not received.</p>
Jun 12, 2020	<p>Email sent to the owner's brother referenced the email of June 10, 2020 advised that the Building Inspector would grant an extension to September 14, 2020 to provide the remaining information.</p>
Sep 14, 2020	<p>Site visit conducted by Building Inspector. Photos taken.</p>
Sep 23, 2020	<p>Letter sent to the owner provided an update and directions, including:</p> <ul style="list-style-type: none">• that the building permit application of November 4, 2019 had been cancelled in accordance with CRD Building Bylaw;• that the owner would need to re-apply and submit a new application;• that the owner was not permitted to occupy the building;• that water service be removed until permit and approval to connect the system is received; and• that the process to register a notice on the land title would proceed
Oct 2, 2020	<p>Email received from the owner's brother acknowledged the letter of September 23, 2020 and the emails of June 10, 2020 requested additional time to submit the required documents.</p>
Oct 7, 2020	<p>Site visit conducted by Building Inspector. The SFD appeared to be occupied in violation. A Do Not Occupy Notice was posted. Photos taken.</p>
Oct 9, 2020	<p>Letter sent to owner advised that the Do Not Occupy Notice was posted.</p>
Jan 6, 2021	<p>Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>
Sep 2, 2021	<p>To date, no further communications have been received.</p>
Sep 8, 2021	<p>The Chief Building Inspector was unable to reach the owner by phone, but did send an email requesting a response addressing the need for a building permit.</p>

Appendix B

Photos:

November 18, 2019



January 3, 2020



September 14, 2020



October 7, 2020

