



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, February 9, 2022

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. 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

4. Adoption of Minutes

- 4.1. [22-062](#) Minutes of the Hearing Session of the December 8, 2021 Electoral Areas Committee Meeting

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

Attachments: [Minutes - December 8, 2021](#)

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

6. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer
- Juan de Fuca [4]

- 6.1. [22-018](#) File Notice on the Land Title of 1410 Finlayson View Place, Lot 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362, File NT000310

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 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-1410 Finlayson View Place, Malahat District](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.2. [22-019](#) File Notice on the Land Title of 10493 West Coast Road, Lot 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055, File NT000317

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 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 10493 West Coast Road, Renfrew District](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.3. [22-071](#) File Notice on the Land Title of 6803 East Sooke Road, Strata Lot A, Section 132, Sooke District, Strata Plan VIS4936 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 024-719-501, File NT000313

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 A, Section 132, Sooke District, Strata Plan VIS4936 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 024-719-501 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-6803 East Sooke Road; Sooke District](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.4. [22-072](#) File Notice on the Land Title of 4036 Trans-Canada Highway, Lot 1, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141, File NT000318

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, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-4036 Trans-Canada Hwy, Malahat District](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, December 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: K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Henderson, Manager, Real Estate; J. Reimer, Manager, Electoral Area Fire and Emergency Programs; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area (EP); 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 11:01 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 December 8, 2021 Electoral Areas
Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [21-901](#) Minutes of the Hearing Session of the October 13, 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 October 13, 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]
- Salt Spring Island [1]
- Southern Gulf Islands [1]

- 6.1. [21-867](#) File Notice on the Land Title of 3891 Trailhead Drive, Lot 8, Section 4,
Renfrew District, Plan VIP79213, PID 026-344-912, File NT000316

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 8, Section 4, Renfrew District, Plan
VIP79213, PID 026-344-912 or any subdivision of said lands as may be affected by
the contravention(s).

CARRIED

- 6.2. [21-868](#) File Notice on the Land Title of 129 Dean Road, Lot 2, District Lot 24, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 14116, PID 000-313-777, File NT000272

M. Taylor spoke to Item 5.2.

Discussion ensued on what effect a Section 57 Notice on Title would have on the sale of a property.

MOVED by Director Holman, SECONDED by Alternate Director Brent,
That the Corporate Officer shall 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 24, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 14116, PID 000-313-777 or any subdivision of said lands as may be affected by the contravention(s).

CARRIED

- 6.3. [21-869](#) File Notice on the Land Title of 4302 Port Washington Road, Lot 16, Section 18, Pender Island, Cowichan District, Plan 38353, PID 001-026-313

M. Taylor spoke to Item 5.3.

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 16, Section 18, Pender Island, Cowichan District, Plan 38353, PID 001-026-313 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 December 8, 2021 Electoral Areas Committee meeting be adjourned at 11:10 am.

CARRIED

CHAIR

RECORDER



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 9, 2022

SUBJECT **File Notice on the Land Title of 1410 Finlayson View Place, Lot 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362, File NT000310**

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 7, 2020, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A Stop Work Order was posted April 7, 2020 on an accessory building for work without a building permit or approvals. Registered letters were sent to the owner. No responses received. A site visit on June 3, 2020 revealed the stop work order had been taken down by the owner. A site visit on November 26, 2020 confirmed that siding had been added to the building. No building permit application or correspondence has been received to date.

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.

3.1.4 Tampering with Notices

No person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or certificate posted upon or affixed to a building or structure pursuant to the Bylaw.

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.

4.1.1 Stop Work Notice

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or the Bylaw by posting a Stop Work Notice.

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 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362 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 4, Block 453, Malahat District, Plan VIP84067, PID 027-301-362 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 7, 2020 Stop Work Notice posted on an accessory building for work without a building permit or approvals. Photos taken.
- May 5, 2020 Letter sent to owner by registered mail advised that the Stop Work Notice was posted and a building permit application was required by June 5, 2020.
- Jun 3, 2020 Site visit conducted by the Building Inspector. No change. Stop Work Notice had been removed by owner, so a second notice was posted. Photo taken.
- Jun 16, 2020 Letter sent to owner by registered mail referencing the letter dated May 5, 2020 and the site visit on June 3, 2020 advised that the next steps would be to register a notice on title and refer the file for further action.
- Jul 20, 2020 Site visit conducted by the Building Inspector. No change.
- Nov 3, 2020 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Nov 26, 2020 Site visit conducted by the Building Inspector. Siding added to building. Photo taken.
- Dec 3, 2021 To date, a building permit application has not been received. The Building Inspection Division is currently without contact information.

Appendix B

Photos:

April 7, 2020



June 3, 2020



November 26, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 9, 2022

SUBJECT **File Notice on the Land Title of 10493 West Coast Road, Lot 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055, File NT000317**

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 October 8, 2020, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A Stop Work Notice was posted on October 8, 2020 for three rental units constructed in a Single Family Dwelling (SFD) without permits or approvals. The Building Inspector advised the owners to contact Juan de Fuca Community Planning to confirm compliance with Land Use Bylaws prior to submitting a building permit application.

An application was received on November 9, 2020. Required items were omitted and compliance had not been confirmed, so the permit was not issued. On March 31, 2021, Planning determined the original SFD was only zoned for three bedrooms and an unfinished basement, not rental units.

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.

4.1.1 Stop Work Notice

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or the Bylaw by posting a Stop Work Notice.

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 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055 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 6, Sections 77 and 78, Renfrew District, Plan VIP57335, PID 018-451-055 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:

- Jan 7, 1997 Building permit SK97-003 issued to construct a Single Family Dwelling (SFD).
- Apr 23, 1997 Building permit SK97-003 completed. Certificate of Occupancy (CO) issued.
- Oct 8, 2020 Stop Work Notice posted for three rental units constructed in the SFD without permits or approvals. Structure not approved for occupancy other than SFD.
- Oct 13, 2020 Letter sent to owners by registered mail requiring a building permit application by November 9, 2020 and advised they contact Juan de Fuca Community Planning (Planning) to confirm compliance with Land Use Bylaws before submitting the application, as only the SFD was approved for occupancy.
- Email received from owners requested clarification on permit requirements.
- Email sent to owners with the Residential Building Permit Guide, the BC Building Code and application instructions from the CRD website.
- Email received from owners regarding the permitting and inspection process.
- Email sent to owners advised that any unpermitted works needed permitting and that Planning be contacted regarding land use compliance.
- Oct 20, 2020 Email received from Planning requested permit history and correspondence prior to meeting with owners.
- Oct 23, 2020 Site visit conducted by Building Inspector. Photo taken.
- Email received from owners indicated they would be meeting with Planning.
- Oct 28, 2020 Letter sent to owners by registered mail referencing letter of October 13, 2020 advised that the next steps would be to register a notice on title and refer the file for further action. Owners required to submit a building permit application and notify Building Inspector of land use approvals by November 16, 2020.
- Nov 9, 2020 Building permit application received from owners. Lacked required items and land use approvals. Permit not issued.
- Nov 23, 2020 Engineer's report received.
- Email sent to owners requested sealed as-built drawings demonstrating Code compliance for construction assemblies/fire separations. A digital copy had been received.
- Jan 7, 2021 The Building Inspector notified the Chief Building Inspector that the building permit application lacked items and, based on the as-built drawings, zoning compliance was still in question.
- Jan 14, 2021 Email received from owners expressed interest in completing the building permit application. Violation file placed on hold.

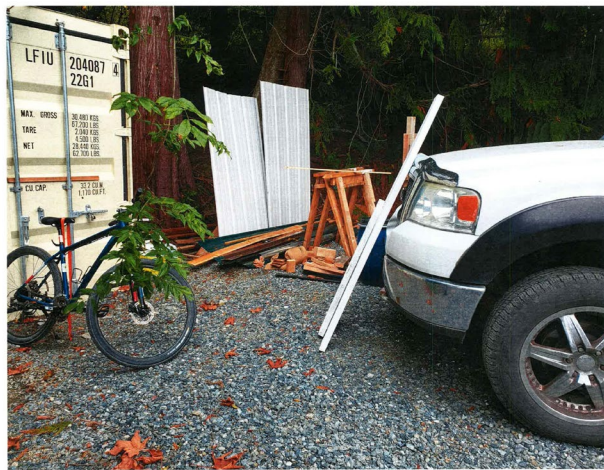
- Mar 9, 2021 To this date, no progress has been made on the application. The Building Inspector recommended the violation file be taken off hold.
- Mar 11, 2021 The Chief Building Inspector called the owners and advised that the SFD was only permitted to have one secondary suite and possibly a bed and breakfast. Directed owners to speak with Planning for details. The owners admitted to having three suites and a principal dwelling. Discussed permit requirements.
- Mar 29, 2021 Email received from Planning advised they would be meeting with owners. Requested details on the status of the building permit and the building plans on file for the SFD.
- Email sent to Planning from the Building Inspector advised that the building permit had not been issued and a recommendation was being prepared to register a notice on the land title. If the owners wished to proceed with the revised proposal in the as-built drawings, a notice would be required to notify future owners of work completed without inspections.
- Mar 30, 2021 Email received from Planning for copy of original SFD building plans.
- Mar 31, 2021 Email sent to Planning included drawings, site plan, BC land survey and inspections cards with CO for building permit SK97-003.
- Email received from Planning confirmed the original permit was only for three bedrooms with an unfinished basement.
- Jul 8, 2021 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Dec 3, 2021 To date, no further communications have been received.
- Dec 20, 2021 The Chief Building Inspector called the owners to discuss their intentions. A voicemail message was left requesting a return call.

Appendix B

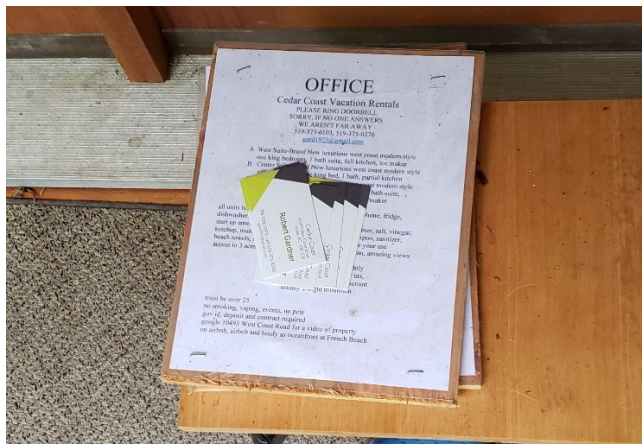
Photos:

October 8, 2020





October 23, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 9, 2022

SUBJECT **File Notice on the Land Title of 6803 East Sooke Road, Strata Lot A, Section 132, Sooke District, Strata Plan VIS4936 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 024-719-501, File NT000313**

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 15, 2020, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Notice was posted April 15, 2020 for construction of a circular building without permits or approvals.

Registered letters were sent to the owner April 17, May 5, and May 25, 2020. No responses were received. Site visits conducted by the Building Inspector May 1, May 15, June 10, and September 11, 2020 confirmed construction had continued.

During telephone calls with the Chief Building Inspector on January 5, 2021 and January 12, 2022 the owner stated his intent to complete construction without a building permit or engineer approvals.

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.

4.1.1 Stop Work Notice

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Bylaw by posting a Stop Work Notice.

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 A, Section 132, Sooke District, Strata Plan VIS4936 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 024-719-501 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 A, Section 132, Sooke District, Strata Plan VIS4936 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 024-719-501 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:

Apr 14, 2020	Building Inspector received a complaint for construction of a circular building, with particular concern over the possible flow of untreated wastewater.
Apr 15, 2020	Stop Work Notice posted on a circular building for construction without permits or approvals, as well as plumbing services roughed in without evidence of a sewage disposal system. Photos taken.
Apr 17, 2020	Letter sent to the owner by registered mail advised that the Stop Work Notice was posted and required a building permit application by May 15, 2020.
May 1, 2020	Site visit conducted by Building Inspector.
May 5, 2020	Letter sent to owner by registered mail referencing the letter of April 17, 2020 and site visit on May 1, 2020 advised that the next step would be to register a notice on title.
May 15, 2020	Site visit conducted by Building Inspector.
May 25, 2020	Letter sent to the owner by registered mail referencing the letters of April 17 and May 5, 2020 and site visits on May 1 and 15, 2020 advised that the notice on title would proceed.
Jun 10, 2020	Site visit conducted by Building Inspector. Photos taken.
Sep 11, 2020	Site visit conducted by Building Inspector. Photos taken.
Jan 5, 2021	The Chief Building Inspector contacted the owner by telephone to discuss the violation. The owner stated his intent to continue the construction without a building permit, as he feels it is too difficult to get a building permit and he has been unable to retain an engineer, as required.
Jan 12, 2022	<p>The Chief Building Inspector contacted the owner by telephone. The owner restated his intent to complete the building without a permit and without engineer approval.</p> <p>The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.</p>

Appendix B

Photos:

April 15, 2020



June 10, 2020



September 11, 2020





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 9, 2022

SUBJECT **File Notice on the Land Title of 4036 Trans-Canada Highway, Lot 1, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141, File NT000318**

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 20, 2017, 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 Notice was posted November 20, 2017 on an accessory building constructed without a building permit. A letter was sent to the owner November 28, 2017 and an email was received from the owner's agent December 1, 2017. A meeting occurred January 30, 2018.

A building permit application was received May 28, 2018, but additional documents were required for processing. A registered letter was sent to the owner June 8, 2018. The documents were not received and the application expired November 26, 2018 as a permit had not been issued within six months of the application.

The Building Inspector conducted a site visit December 10, 2020 and recommended a notice be registered on the land title. Registered letters were sent and hand-delivered.

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.

4.1.1 Stop Work Notice

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Bylaw by posting a Stop Work Notice.

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, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141 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, District Lots 119 and 147, Malahat District, Plan VIP83379, PID 027-188-141 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:

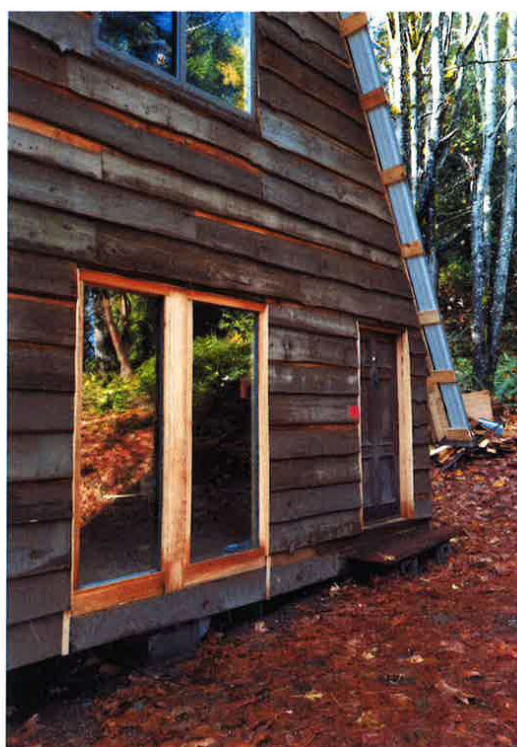
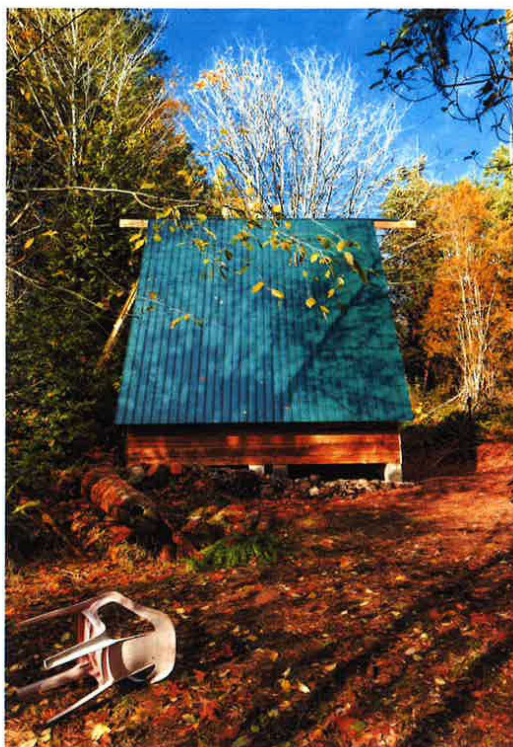
Nov 20, 2017	Stop Work Notice posted on an A-frame accessory building constructed without a building permit. Photos taken.
Nov 28, 2017	Letter sent to the owner advised that the Stop Work Notice was posted and a building application was required within 30 days.
Dec 1, 2017	Email received from the owner's agent referencing the letter of November 28, 2017 included a Letter of Authorization to operate on the owner's behalf.
Dec 7, 2017	Site visit conducted by Building Inspector.
Dec 8, 2017	Email sent to the agent advised him to call and set up an appointment time to discuss the violation. Phone call between the agent and Building Inspector to schedule an on-site meeting.
Jan 23, 2018	Email received from the agent advised that a design firm had been engaged to prepare as-built drawings for the building permit application to remedy the Stop Work Notice.
Jan 30, 2018	Site visit conducted by Building Inspector. Advised the agent to obtain a BC Land Survey and forward it to Juan de Fuca Community Planning to check compliance. If the building complied, the agent would submit a building permit application. If not, he would remove the building.
May 28, 2018	Building permit application received to construct an A-frame accessory building. Required additional documents to process and issue the permit (BP004428).
Jun 8, 2018	Letter sent to the owner by registered mail referencing receipt of the building permit application on May 28, 2018 requested additional information be submitted by July 8, 2018 to continue processing the application and advised that, if no response was received, the next step would be to register a notice on title.
Jul 8, 2018	Required information not received.
Nov 26, 2018	Application expired as the permit had not been issued within six months (BP004428).
Dec 10, 2020	Site visit conducted by Building Inspector. Photos taken.
Dec 17, 2020	Letter sent to owner by registered mail referencing the letter of June 8, 2018 and site visit on December 10, 2020 advised that, as the required information was not received, the application could not be processed and the notice on title would proceed.

Mar 5, 2021	Letter of December 17, 2020 returned: “moved, unknown”.
Mar 10, 2021	Letter re-sent to the owner by registered mail.
Mar 22, 2021	Letter of March 10, 2021 returned: “incomplete address”.
Apr 9, 2021	Letter hand-delivered to the owner by Building Inspector.
Jan 12, 2022	The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

November 20, 2017



December 10, 2020

