



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

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Wednesday, June 8, 2022

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. 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. [22-381](#) Minutes of the Hearing Session of the April 13, 2022 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of April 13, 2022 be adopted as circulated.

**Attachments:** [Minutes - April 13, 2022](#)

#### 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****- Salt Spring Island [3]****- Southern Gulf Islands [2]**

- 6.1.        [22-336](#)        File Notice on the Land Title of 351 Elizabeth Drive, Lot 14, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 24125, PID 002-973-952, File NT000314

**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 14, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 24125, PID 002-973-952 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title-351 Elizabeth Drive, SSI](#)  
                                 [Appendix A: History](#)  
                                 [Appendix B: Photos](#)

- 6.2.        [22-337](#)        File Notice on the Land Title of 161 Margolin Drive, Lot 3, Section 9, Range 1 North, North Salt Spring Island, Cowichan District, Plan 23640, Except Part in Plan 36343, PID 000-583-863, File NT000347

**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 3, Section 9, Range 1 North, North Salt Spring Island, Cowichan District, Plan 23640, Except Part in Plan 36343, PID 000-583-863 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 161 Margolin Drive, SSI](#)  
                                 [Appendix A: History](#)  
                                 [Appendix B: Photos](#)

- 6.3.        [22-338](#)        File Notice on the Land Title of 150 and 150A Ashya Road, Strata Lot 1, Section 4, Range 1, South Salt Spring Island, Cowichan District, Strata Plan VIS6778 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID 027-928-047, File NT000307

**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, Section 4, Range 1, South Salt Spring Island, Cowichan District, Strata Plan VIS6778 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID 027-928-047 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 150 & 150A Ashya Road, SSI](#)  
                                 [Appendix A: History](#)  
                                 [Appendix B: Photos](#)

- 6.4.     [22-339](#)     File Notice on the Land Title of 274 Merryman Drive, Lot 8, Section 6, Mayne Island, Cowichan District, Plan 23006, PID 003-213-951, File NT000222
- 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 8, Section 6, Mayne Island, Cowichan District, Plan 23006, PID 003-213-951 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:**     [Staff Report: Notice on Title - 274 Merryman Drive, Mayne Island](#)  
                                  [Appendix A: History](#)  
                                  [Appendix B: Photos](#)
- 6.5.     [22-340](#)     File Notice on the Land Title of 1616 Schooner Way, Lot 38, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-023, File NT000343
- 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 38, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-023 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:**     [Staff Report: Notice on Title - 1616 Schooner Way, Pender Island](#)  
                                  [Appendix A: History](#)  
                                  [Appendix B: Photos](#)

## 7. Adjournment

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, April 13, 2022

11:00 AM

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

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#### 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; T. Robbins, General Manager, Integrated Water Services; S. Carby, Senior Manager, Protective Services; S. Henderson, Senior Manager, Real Estate; 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 11:03 am.

#### 1. Territorial Acknowledgement

Chair Hicks provided a Territorial Acknowledgement.

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

The Deputy Corporate Officer read the public hearing instructions into the record.

#### 3. Approval of Agenda

**MOVED** by Director Plant, **SECONDED** by Director Holman,  
That the agenda for the Hearing Session of the April 13, 2022 Electoral  
Areas Committee meeting be approved as amended to address Agenda Items  
6.1. and 6.2. immediately after the respective property owners comment.  
**CARRIED**

#### 4. Adoption of Minutes

- 4.1. [22-245](#) Minutes of the Hearing Session of the February 9, 2022 Electoral Areas Committee Meeting

**MOVED** by Director Plant, **SECONDED** by Director Holman,  
That the minutes of the Hearing Session of the Electoral Areas Committee meeting of February 9, 2022 be adopted as circulated.  
**CARRIED**

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

Ms. R. Rudgley spoke to Item 6.1. An extension was requested in order to address the concerns raised by Building Inspection on the property in question.

Mr. L. Shandler spoke to Item 6.2.

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

- Salt Spring Island [2]
- Southern Gulf Islands [2]

- 6.1. [22-218](#) File Notice on the Land Title of A 112 and B 112 Charlesworth Road, Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659, File NT000348

M. Taylor spoke to Item 6.1.

**MOVED** by Director Holman, **SECONDED** by Alternate Director Brent,  
That this item be postponed for two (2) months.  
**CARRIED**

- 6.2. [22-219](#) File Notice on the Land Title of 171 Hillcrest Drive, Lot 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747, File NT000350

M. Taylor spoke to Item 6.2.

Discussion ensued on meeting with CRD Bylaw staff and Islands Trust staff to discuss the policy around zoning violations.

**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 9, Section 60, South Salt Spring Island, Cowichan District, Plan 23209, PID 003-063-747 or any subdivision of said lands as may be affected by the contravention(s).  
**CARRIED**

- 6.3. [22-220](#) File Notice on the Land Title of 19915 Porlier Pass Road, Lot 1, District Lot 89, Galiano Island, Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878, File NT000319

M. Taylor spoke to Item 6.3.

**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 1, District Lot 89, Galiano Island,  
Cowichan District, Plan 20266, Except Part in Plan 42126, PID 001-168-878 or any  
subdivision of said lands as may be affected by the contravention(s).**

**CARRIED**

- 6.4. [22-221](#) File Notice on the Land Title of 484 Cherry Tree Bay Road, Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200, File NT000330

M. Taylor spoke to Item 6.4.

**MOVED by Alternate Director Brent, SECONDED by Director Holman,  
That this item be deferred for ninety (90) days.**

**CARRIED**

## 7. Adjournment

**MOVED by Alternate Director Brent, SECONDED by Director Plant,  
That the April 13, 2022 Electoral Areas Committee meeting be adjourned at 11:37  
am.**

**CARRIED**

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CHAIR

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RECORDER



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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 8, 2022

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**SUBJECT**     **File Notice on the Land Title of 351 Elizabeth Drive, Lot 14, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 24125, PID 002-973-952, File NT000314**

### **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 March 26, 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 March 26, 2020 for construction of a deck without a building permit or land use approvals. A letter was sent to the owner March 26 advising that a building permit application was required by April 27, 2020. A letter was sent to the owner on May 8 advising that since no permit application was submitted the next step was to register a notice on the land title.

The owner received two extensions in 2020 and 2021 to obtain Islands Trust approvals and apply for a building permit. The Chief Building Inspector spoke with the owner in January 2022, answered questions about the permit requirements, and granted a one-month extension to date, no building permit application has been 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:

#### **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 14, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 24125, PID 002-973-952 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 owners.

### *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 14, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 24125, PID 002-973-952 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:**

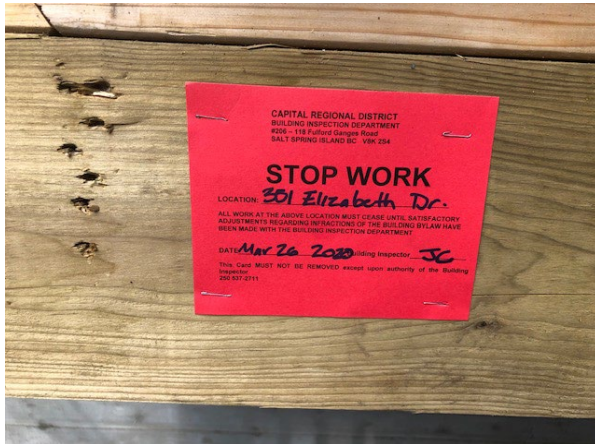
Mar 26, 2020	Stop Work Notice posted for construction of a deck without a building permit or land use approvals. Photos taken.  Letter sent to the owner by registered mail advising that the Stop Work Notice was posted and a building permit application was required by April 27, 2020.
Apr 27, 2020	Building permit application not received.
May 8, 2020	Letter sent to the owner by registered mail referencing the letter of March 26, 2020 advised that, as a building permit application was not received, the next step would be to register a notice on the land title.
May 14, 2020	Email received from the owner requested an extension.
May 20, 2020	Email sent to the owner from Building Inspector granted an extension to submit the building permit application to August 20, 2020.
Aug 20, 2020	Building permit application not received.
Nov 13, 2020	Islands Trust advised the Building Inspection Division that a permit review was neither on file nor in progress for the property.
Nov 24, 2020	Building Inspector recommended registration of a notice on the land title.
Mar 12, 2021	The Chief Building Inspector sent an email and left a telephone message with the owner to discuss the violation. No response received.  Islands Trust confirmed that the owner had not been in contact to seek approval for the project as of this date.
Mar 22, 2021	The Chief Building Inspector spoke with the owner and granted a 30-day extension to receive Islands Trust approval and apply for a building permit.
Jan 12, 2022	To date, the owner has not contacted Islands Trust or submitted a building permit application. Email sent to the owner from the Chief Building Inspector requested a response.  The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jan 14, 2022	Email received from the owner requested clarification for building permit application.

- Jan 20, 2022      Email sent to the owner from the Chief Building Inspector provided clarification for the building permit application and advised that Islands Trust approval would be required prior to submission.
- Email received from the owner requested additional clarification regarding drawings.
- Jan 21, 2022      Email sent to the owner from the Chief Building Inspector provided clarification regarding drawings and asked when the building permit application could be expected.
- Email received from the owner advised that the building permit application could be submitted by the end of March.
- Jan 24, 2022      Email sent to the owner from the Chief Building Inspector advised that the notice on title recommendation would be put on hold for one month.
- Email received from the owner with questions regarding the BC Building Code.
- Jan 25, 2022      Email sent to the owner from the Chief Building Inspector responded to the questions regarding the BC Building Code and provided guidance for the application process and permit requirements.
- Feb 24, 2022      No building permit application received.
- May 11, 2022      The Chief Building Inspector has attempted to contact the owner to discuss her intentions but was unable to receive a commitment for a date of permit submission.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

## Appendix B

### Photos:

Mar 26, 2020





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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY JUNE 8, 2022

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**SUBJECT**      **File Notice on the Land Title of 161 Margolin Drive, Lot 3, Section 9, Range 1 North, North Salt Spring Island, Cowichan District, Plan 23640, Except Part in Plan 36343, PID 000-583-863, File NT000347**

### **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 March 3, 2021, 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 March 3, 2021 on a dome structure constructed without a building permit. A Do Not Occupy Notice was also posted as it appeared to be occupied and heated with a wood stove. Registered letters were sent to the owner March 17 and April 29, 2021 advising that a building permit application was required. No response 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.

#### **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 this 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 3, Section 9, Range 1 North, North Salt Spring Island, Cowichan District, Plan 23640, Except Part in Plan 36343, PID 000-583-863 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 3, Section 9, Range 1 North, North Salt Spring Island, Cowichan District, Plan 23640, Except Part in Plan 36343, PID 000-583-863 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:**

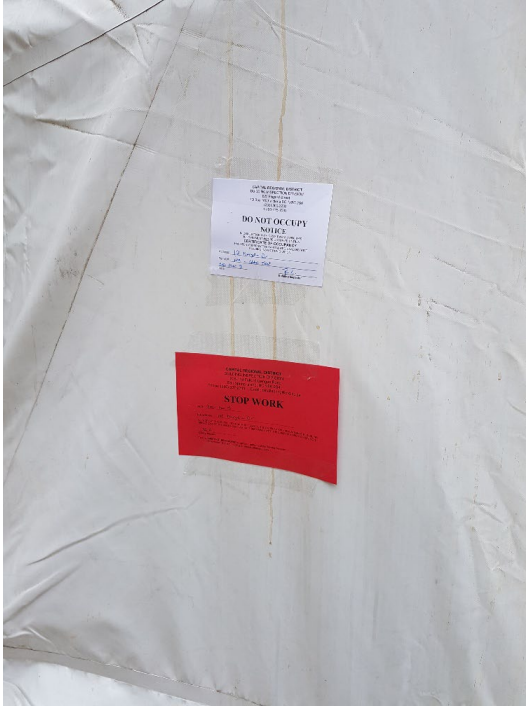
Jan 14, 2021	Site visit conducted by Building Inspector. Recommended the property be referred to Islands Trust for planning approval.
Feb 17, 2021	Site visit conducted by Building Inspector. No structure on property.
Mar 3, 2021	Stop Work Notice posted on a dome structure constructed without a building permit. Heated by a wood stove. Do Not Occupy Notice posted as structure appeared to be used as a residence.
Mar 17, 2021	Letter sent to the owner by registered mail advised that the Stop Work Notice and Do Not Occupy Notice were posted and a building permit application was required by April 21, 2021.
Apr 21, 2021	Building permit application not received.
Apr 29, 2021	Letter sent to the owner by registered mail referencing letter of March 17 and the notices posted on March 3, 2021 advised that, as no response had been received, the next step would be to register a notice on title and refer the file for further action.
May 11, 2022	The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.



Appendix B

Photos:

March 3, 2021





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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 8, 2022

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**SUBJECT**     **File Notice on the Land Title of 150 and 150A Ashya Road, Strata Lot 1, Section 4, Range 1, South Salt Spring Island, Cowichan District, Strata Plan VIS6778 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID 027-928-047, File NT000307**

### **ISSUE SUMMARY**

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

### **BACKGROUND**

Since June 15, 2012, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

This property is one of nine lots in a subdivision, with permits issued for Single Family Dwellings and/or Cottages on each lot. Until August 19, 2020, communication was with representatives (applicants/agents) on behalf of developers and owners of multiple properties in the subdivision.

A building permit was issued June 15, 2012 for construction of a Cottage. A Conditional Certificate of Occupancy was issued May 30, 2016. Conditions were not met and the certificate expired on May 30, 2017. The property was sold effective January 9, 2018. Letters were sent to the new owners August 19 and September 29, 2020.

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:

#### **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, Section 4, Range 1, South Salt Spring Island, Cowichan District, Strata Plan VIS6778 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID 027-928-047 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, Section 4, Range 1, South Salt Spring Island, Cowichan District, Strata Plan VIS6778 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, PID 027-928-047 or any subdivision of said lands as may be affected by the contravention(s).

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

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

Jun 15, 2012	Permit issued for construction of a Single Family Dwelling (cottage).
Jun 21, 2013	Permit issued for installation of plumbing to the cottage.
May 30, 2016	Conditional Certificate of Occupancy (CCO) issued. Deficiencies included: Vancouver Island Health Authority (VIHA) Final for Septic Disposal System and Schedule C-B Geotechnical.
Apr 10, 2017	VIHA Final for Individual Connection to Septic System received. VIHA Final for Common Property System still required.
May 30, 2017	CCO expired.
Jan 9, 2018	Property sold to new owners. Building Inspection Division was not advised.
Aug 19, 2020	Letter sent to the owners regarding CCO and requirements to complete project.
Aug 27, 2020	Telephone call received. Resident at address on land title advised Building Inspection Division that the new owners no longer live at that address.
Sep 29, 2020	Letter re-sent to the new owners by registered mail to alternative address on file.
Nov 20, 2020	Letter returned unclaimed.
Nov 26, 2020	Site visit conducted by Building Inspector. Photos taken.
Jul 29, 2021	New Island Health Final for Common Property Septic System GV20/320 received. New Island Health Final for Individual Connection for Common System GV20/320 required.
Mar 23, 2022	The Chief Building Inspector contacted the Geotechnical Engineer, who did not issue a Schedule C-B as he had a deficiency regarding the need for a retaining wall. Since he was not contacted by the owners and did not know if this was done, he cannot issue the Schedule C-B.
May 11, 2022	The Chief Building Inspector contacted Island Health and confirmed that final approval had been received for the septic systems related to this property. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

**Appendix B**

**Photos:**

November 26, 2020





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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 8, 2022

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**SUBJECT**     **File Notice on the Land Title of 274 Merryman Drive, Lot 8, Section 6, Mayne Island, Cowichan District, Plan 23006, PID 003-213-951, File NT000222**

### **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 July 17, 2003, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A building permit issued on July 17, 2003 to construct a Single Family Dwelling (SFD) expired on February 27, 2007. Then, a reactivation permit issued on February 14, 2008 to complete the SFD. A site visit revealed the building was being occupied in violation. A letter was sent December 5, 2011 and the permit expired on December 10, 2011.

Letters sent to the owner on February 14, 2018 and May 27, 2021 advised that the building permits had expired and a recommendation would be made to register a notice on the land title. No responses have 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:

#### **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.

#### **3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

#### **3.1.8 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 8, Section 6, Mayne Island, Cowichan District, Plan 23006, PID 003-213-951 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 8, Section 6, Mayne Island, Cowichan District, Plan 23006, PID 003-213-951 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:**

- July 17, 2003 Building permit issued to construct a Single Family Dwelling (SFD).
- Nov 2, 2006 Letter sent to the owner advised that failure to contact the Building Inspection office by December 4, 2006 would result in expiry of the permit, since work had been discontinued for a period of 12 months.
- Feb 27, 2007 Building permit to construct SFD expired.
- Mar 13, 2007 Letter sent to the owner advised that the building permit had expired and a new permit would be required to complete the work.
- Jan 25, 2008 Letter sent to the owner referencing the letter of March 13, 2007 advised that a recommendation would be made to register a notice on the land title, since a building permit application had not been received.
- Feb 14, 2008 Building permit issued to complete SFD.
- Jan 20, 2010 Letter sent to the owner advised that failure to contact the Building Inspection office by February 22, 2010 would result in expiry of the permit.
- Dec 5, 2011 Letter sent to the owner advised that a recent site check indicated the SFD appeared to be occupied in violation. Reapplication and a final inspection would be required to issue a Conditional Certificate of Occupancy, provided that all safety items and health requirements had been completed.
- Dec 10, 2011 Building permit to complete SFD expired.
- Feb 7, 2018 Site visit conducted and noted that the SFD appeared to be completed and occupied without permits. Photos taken.
- Feb 14, 2018 Letter sent to the owner advised that the building permits had expired and a recommendation would be made to register a notice on the land title.
- May 27, 2021 Site visit conducted and photos taken.  
  
Letter sent to the owner referencing the letters of December 5, 2011 and February 14, 2018 advised that a recommendation would be made to register a notice on the land title, since a building permit application had not been received to complete the work of the expired building permits.
- May 11, 2022 The Chief Building Inspector attempted to contact the owner but was unable to connect to discuss the owner's intentions.  
  
The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.



Appendix B

Photos:

February 7, 2018



May 27, 2021







Making a difference...together

**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, JUNE 8, 2022**

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**SUBJECT**     **File Notice on the Land Title of 1616 Schooner Way, Lot 38, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-023, File NT000343**

**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 March 2, 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 Notice was posted March 2, 2018 for a second floor added to a Single Family Dwelling without permits. A letter sent to the owner on March 5, 2018 advised that the Stop Work Notice was posted and a building permit application was required by April 2, 2018.

A building permit application was received March 16, 2018, but the owner refused to pay. Without payment, the permit could not be issued. A site visit was conducted February 8, 2021 and a letter was sent to the owner on March 11, 2021. No response 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, for which a Permit is required under this Bylaw, unless a building official has issued a valid and subsisting permit for the work.

**3.1.3 Occupancy**

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

**3.1.8 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 38, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-023 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 owners.

### *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 38, Section 9, Pender Island, Cowichan District, Plan 22335, PID 003-218-023 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:**

- Mar 2, 2018 Stop Work Notice posted for a second floor added to Single Family Dwelling (SFD) without permits. Building Inspector advised a Structural Engineer review would be required. Photos taken.
- Mar 5, 2018 Letter sent to the owner by registered mail advised that the Stop Work Notice was posted and a building permit application was required by April 2, 2018.
- Mar 12, 2018 Site report received from Structural Engineer.
- Mar 16, 2018 Application received for addition/alteration to SFD.
- Mar 21, 2018 Email sent to the owner advised that the building permit was ready to be issued. Owner refused to pay the building permit fee.
- Feb 4, 2021 File review completed by Building Inspector.
- Feb 8, 2021 Site visit conducted by Building Inspector. Photos taken.
- Mar 11, 2021 Letter sent to the owner by registered mail referenced the letter of March 5, 2018, the email of March 21, 2018, and the site visit of February 8, 2021. Advised that, as payment had not been received, the building permit application was cancelled and the next step would be to register a notice on the land title.
- May 13, 2022 Email sent to the owner from the Chief Building Inspector to discuss intentions to submit a building permit application. No response received.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

Mar 2, 2018



Feb 8, 2021

