



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

---

Wednesday, July 13, 2022

11:00 AM

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

---

### Hearing Session

M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent, 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. [22-458](#) Minutes of the Hearing Session of the June 8, 2022 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of June 8, 2022 be adopted as circulated.

**Attachments:** [Minutes - June 8, 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 [2]****- Southern Gulf Islands [1]**

- 6.1.        [22-427](#)        File Notice on the Land Title of 112A and 112B Charlesworth Road, Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659, File NT000348

**Recommendation:** That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title-112A & 112B Charlesworth Road](#)  
                              [Appendix A: History](#)  
                              [Appendix B: Photos](#)

- 6.2.        [22-428](#)        File Notice on the Land Title of 2580 Fulford-Ganges Road, West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735, File NT000357

**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: West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 2580 Fulford-Ganges Road, SSI](#)  
                              [Appendix A: History](#)  
                              [Appendix B: Photos](#)

- 6.3.        [22-429](#)        File Notice on the Land Title of 4709 Canal Road, Lot 1, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379, File NT000346

**Recommendation:** That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot 1, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:**        [Staff Report: Notice on Title - 4709 Canal Road, SGI](#)  
                              [Appendix A: History](#)  
                              [Appendix B: Photos](#)

**7. Adjournment**

## Meeting Minutes

### Electoral Areas Committee

---

Wednesday, June 8, 2022

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

Staff: R. Lapham, Chief Administrative Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; S. Henderson, Senior Manager, Real Estate and Southern Gulf Islands Administration; D. Ovington, Manager, Salt Spring Island Administration (EP); J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

Guest: Director R. Mersereau

Regrets: Director: C. Plant

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 Director Mersereau be allowed to participate without vote in the Hearing  
Session of the June 8, 2022 Electoral Areas Committee meeting.  
CARRIED**

**MOVED by Alternate Director Brent, SECONDED by Director Holman,  
That the agenda for the Hearing Session of the June 8, 2022 Electoral Areas  
Committee meeting be approved.  
CARRIED**

### **4. Adoption of Minutes**

- 4.1. [22-381](#) Minutes of the Hearing Session of the April 13, 2022 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 April 13, 2022 be adopted as circulated.  
CARRIED**

### **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

M. Taylor spoke to Item 6.1.

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

**CARRIED**

- 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

M. Taylor spoke to Item 6.2.

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

**CARRIED**

- 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

M. Taylor spoke to item 6.3.

**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: 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).

**CARRIED**

- 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

M. Taylor spoke to Item 6.4.

**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 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).**

**CARRIED**

- 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

M. Taylor spoke to Item 6.5.

**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 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).**

**CARRIED**

## 7. Adjournment

**MOVED by Director Holman, SECONDED by Alternate Director Brent, That the Hearing Session of the June 8, 2022 Electoral Areas Committee meeting be adjourned at 11:09 am.**

**CARRIED**

---

CHAIR

---

RECORDER



Making a difference...together

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 13, 2022

---

**SUBJECT**     **File Notice on the Land Title of 112A and 112B Charlesworth Road, Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659, File NT000348**

### **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 28, 2018, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Following a Stop Work Notice in March of 2018, a building permit was issued for repair and alterations to a Single Family Dwelling (SFD). During a later site inspection in January of 2020, it was found on site that several recreational vehicles (RVs) and travel trailers had been connected to water and sewer services and occupied without permits or approvals.

As of March 2021, the building permit for the alterations to the SFD had expired and some work had been covered over without required inspections. Plumbing work had also taken place in the SFD without a plumbing permit. The RVs on the property at this time remained occupied and connected to services without permits and approvals.

This file was presented to the Electoral Areas Committee on April 13, 2022 to recommend placing notice on the land title. The Committee postponed the matter for two months to allow the owner time to achieve compliance. To date, no building or plumbing permit applications have 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 unless a building official has issued a valid and subsisting permit for the work.

#### **3.1.8 Contrary**

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

## **ALTERNATIVES**

### *Alternative 1*

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 or any subdivision of said lands as may be affected by the contravention(s).

### *Alternative 2*

That a notice not be filed and staff be directed to take no further action.

## **IMPLICATIONS**

### *Financial*

The cost of the process to file notice on land title is included in the annual Building Inspection budget. In the event that the notice can be removed, there will be a \$500 removal fee charged to the owner.

### *Legal*

If a notice is not filed on the land title, the liability of the CRD is potentially increased and possible future owners may not be advised of a building inspection deficiency and may be exposed to potential loss. If CRD Bylaw Services is unable to achieve compliance, staff may bring forward a recommendation to proceed with legal action as required.

## **CONCLUSION**

The Chief Building Inspector recommends placing notice on the land title to notify potential buyers of building deficiencies, the concerns of the CRD Building Inspector, and to reduce the liability of the CRD. Due to work carried out prior to inspection, it may be necessary to have the notice remain on title in perpetuity, as complete inspection of the work may not be possible.

## **RECOMMENDATION**

That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 19, Range 4 East, North Salt Spring Island, Cowichan District, Plan 20879, PID 003-459-659 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 28, 2018	Stop Work Notice posted for repair and alteration of a Single Family Dwelling (SFD) without a permit. Photos taken.
Apr 5, 2018	Letter sent to the owner advised of the Stop Work Notice and the requirement for a permit. Permit application for alteration of a SFD received from the agent.
May 4, 2018	Permit BP004239 issued for alteration of a SFD.
Nov 2, 2018	Framing inspection passed.
Nov 1, 2019	Letter sent to the agent advised no inspections had been carried out since November 2, 2018 and an inspection was required by November 18, 2019.
Dec 19, 2019	Letter sent to the agent advised inspections were required or permit BP004239 would be expired January 13, 2020.
Jan 13, 2020	Permit BP004239 expired.
Jan 16, 2020	Letter sent to the owner referencing letters of November 1 and December 19, 2019 advised that permit BP004239 had been expired and the next step would be to register a notice on title and refer the file for further action.
Jan 29, 2020	Site visit conducted by Building Inspector. Sewerage and water connections installed without permits in trailers (RVs) being used as dwellings. The agent agreed to remove trailers. Photos taken.  Building Inspector also checked alterations to SFD. New hot water tanks added to basement without plumbing permit. The agent agreed to request plumber apply for plumbing permit. Photos taken.
Feb 19, 2020	Letter sent to the owner and agent referencing letters of November 1 and December 19, 2019, January 16, 2020 and required a plumbing permit be obtained by a certified plumber by February 28, 2020 or notice would proceed.
Mar 23, 2020	Email received from the agent asked why BP004239 had been expired and why a plumbing permit was required for hot water tanks installed years prior.  Email sent to the agent from the Building Inspector advised building permits are issued for two years but expire if there are no inspections for a 12 month period, and that while the plumbing work had been completed several years ago, the installation was not Plumbing Code compliant. A plumbing permit by a qualified plumber was required, and the work must be brought into compliance with the BC Building and Plumbing Code.  Expiry date for permit BP004239 extended to May 4, 2020 as a courtesy.
May 12, 2020	Letter sent to the owner and agent advised that permit BP004239 had expired and required it be renewed by May 29, 2020.

Jun 15, 2020	Application to reactivate BP004239 received, but no application for plumbing. Reactivation permit BP006434 issued for alteration of a SFD.
Jun 17, 2020	Site visit conducted by the Building Inspector. RVs with sewerage and water connections had not been removed. Photos taken.
Jul 3, 2020	Site visit conducted by Building Inspector. RVs with sewerage and water connections had not been removed. Photos taken.
Aug 26, 2020	Letter sent to the owner by registered mail required plumbing permit application be submitted for connections to RVs by September 18, 2020.
Oct 5, 2020	Letter sent to the owner by registered mail advised that, as no plumbing permit for RVs had been received, the notice on title would be recommended.
Oct 21, 2020	Email sent to the agent advised that an inspection for BP006434 must be requested by December 15, 2020 or the permit would be expired.
Oct 26, 2020	Inspection cancelled by Building Inspector due to COVID-19 concerns. Plumbing permit for unpermitted hot water tanks still required.
Dec 17, 2020	Email sent to the owner advised that an inspection must be requested for permit BP006434 by January 15, 2021 or the permit would be expired.
Jan 19, 2021	Inspection of Insulation Vapour Barrier failed. The agent claimed insulation had been inspected previously; however, this was not found to be the case. Drywall had been installed and work concealed prior to inspection.
Jan 21, 2021	Letter sent to the owner and agent by registered mail referencing January 19, 2021 inspection advised that permit BP006434 had been placed on hold. Plumbing permit application from a certified plumber was required by February 12, 2021 or the permit would be cancelled and further action would be taken.
Mar 10, 2021	Telephone call received from the agent requesting inspection. The agent was advised that permit BP006434 was expired and the plumbing permit from a certified plumber was required prior to additional renewals or extensions.
Feb 7, 2022	To date, no plumbing permit applications had been received for alteration of a SFD or for sewerage and water connections to RVs on the property.  The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Mar 30, 2022	Invitation letter and staff report sent to the owner.
Apr 11, 2022	The Chief Building Inspector spoke with the owner and agent, who stated that Islands Trust provided a letter indicating they would not take action regarding the use of the trailers and RVs due to a policy not to act. The Chief Building Inspector advised that the CRD does not have a similar policy and cannot approve plumbing permits for the RVs or the use of the RVs. The agent stated they would

submit the building and plumbing permit applications as soon as possible, and also attend the Electoral Areas Committee (EAC) meeting to request the notice on title not be approved.

- Apr 13, 2022     The owner spoke at the EAC meeting and requested an extension in order to address the concerns raised by the Building Inspection Division. The EAC postponed the recommendation for two months.
- Apr 19, 2022     Letter sent to the owner by registered mail referencing March 30, 2022 letter and April 13, 2022 EAC meeting advised that compliance was required prior to June 13, 2022.
- Jun 13, 2022     As of this date, no building or plumbing permit applications had been received. The Chief Building Inspector left a telephone message with the agent.
- Jun 15, 2022     The agent called the Chief Building Inspector and advised that she is preparing a permit application, but cannot find a plumber to do the necessary work. She will continue to work toward a new permit application. The RVs and travel trailers are still occupied and she feels she is not able to evict the residents as they continue to pay rent.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

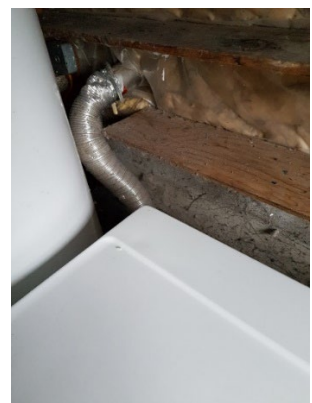
Appendix B

Photos:

March 28, 2018



January 29, 2020



112A Charlesworth Road – Alteration of Single Family Dwelling



January 29, 2020



112A and 112B Charlesworth Road – Sewerage and Water Connections to Recreational



June 17, 2020



July 3, 2020





Making a difference...together

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 13, 2022

---

**SUBJECT**     **File Notice on the Land Title of 2580 Fulford-Ganges Road, West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735, File NT000357**

### **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 26, 2013, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

An accessory building was constructed without permits or approvals despite cancellation of an incomplete application. The owners were given extensions to receive Islands Trust approval and submit a new building permit application, but neither were completed.

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 unless a building official has issued a valid and subsisting permit for the work.

#### **3.1.8 Contrary**

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

### **ALTERNATIVES**

#### ***Alternative 1***

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735 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: West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 471131), and Except Part in Plan 3785, PID 007-126-735 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 26, 2013	Building permit application received for construction of an Accessory Building – Yurt.
Jan 10, 2014	Letter sent to the owners advised that engineer sealed drawings and a Schedule B were required by January 31, 2014 to continue processing the application.
Jan 31, 2014	Documents not received. Application cancelled. File became dormant.
Jan 15, 2020	Site visit conducted by the Building Inspector. Yurt constructed without permit. Photo taken.
Feb 3, 2020	Letter sent to the owners referencing the letter of January 10, 2014 advised that the 2013 permit application could not be processed. Either a new building permit application or confirmation that the structure had been removed was required by February 28, 2020. Failure to comply would result in registration of a notice on title.
Feb 13, 2020	The Building Inspector advised the owners that Islands Trust approval and a new building permit application were required.
Feb 26, 2020	Schedule B Structural and building plans received. Both dated April 16, 2013.
Mar 10, 2020	Email sent to the owners advised that Islands Trust approval would be required prior to a building permit being issued and that a new structural engineer would be required to provide a Schedule C-B for the project.
May 20, 2020	Site visit conducted by Building Inspector. Photo taken.
Nov 4, 2020	Email received from Islands Trust advised that no application had been received for the Yurt.
Nov 6, 2020	Letter sent to the owners referencing the letters of January 10, 2014 and February 3, 2020 and email of March 10, 2020 advised that the permit application for Yurt, Islands Trust approval of the land using and siting, and a new Schedule C-B Structural were required. As no response had been received to date, the next step would be registration of a notice on title.
Nov 16, 2020	Email sent to the owners referencing a phone call earlier that week advised that a written request for an extension was required.
Nov 17, 2020	Email received from the owners requested an extension.
Dec 18, 2020	Email sent to the owners advised that the Chief Building Inspector extended the deadline to submit the building permit application to April 14, 2021 and reiterated the need for Islands Trust approval prior to submission of the

building permit application. Email included the Islands Trust review checklist and CRD building permit application checklist.

Apr 14, 2021      Building permit application not received.

Oct 15, 2021      The Building Inspector reviewed the file.

Jun 15, 2022      Telephone message left with owners asking about the status of the structure.

The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

**Appendix B**

**Photos:**

January 15, 2020



May 20, 2020





Making a difference...together

## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 13, 2022

---

**SUBJECT**     **File Notice on the Land Title of 4709 Canal Road, Lot 1, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379, File NT000346**

### **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 February 9, 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 for construction of a deck on a motel without a building permit. An application was subsequently received, but an Islands Trust development permit and plans approved by a structural engineer were required prior to issuance of the permit. These requirements were not met and the application was cancelled; however, work continued on the motel deck.

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.

#### **3.1.7 Cessation of Work**

No person shall continue to do any work upon a building or structure or any portion of it after the building official has ordered cessation or suspension of work on it.

#### **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 this 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, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379 or any subdivision of said lands as may be affected by the contravention(s).

### *Alternative 2*

That a notice not be filed and staff be directed to take no further action.

## **IMPLICATIONS**

### *Financial*

The cost of the process to file notice on land title is included in the annual Building Inspection budget. In the event that the notice can be removed, there will be a \$500 removal fee charged to the owner.

### *Legal*

If a notice is not filed on the land title, the liability of the CRD is potentially increased and possible future owners may not be advised of a building inspection deficiency and may be exposed to potential loss. If CRD Bylaw Services is unable to achieve compliance, staff may bring forward a recommendation to proceed with legal action as required.

## **CONCLUSION**

The Chief Building Inspector recommends placing notice on the land title to notify potential buyers of building deficiencies, the concerns of the CRD Building Inspector, and to reduce the liability of the CRD. Due to work carried out prior to inspection, it may be necessary to have the notice remain on title in perpetuity, as complete inspection of the work may not be possible.

## **RECOMMENDATION**

That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379 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:**

Feb 9, 2018	Stop Work Notice posted for construction of a deck on a motel without a building permit. Photo taken.
Feb 21, 2018	Site visit conducted by the Building Inspector. Construction continued despite Stop Work Notice. Photo taken.
Mar 16, 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 16, 2018.
Apr 20, 2018	Building permit application received.
May 9, 2018	Email received from Islands Trust advised that a development permit would be required.
Aug 13, 2018	Site visit conducted by the Building Inspector.  Email sent to the owner advised that work was being done in contravention of the Building Bylaw and the deck would require a building permit and structural plans approved by a structural engineer by August 20, 2018.
Aug 18, 2018	Email received from the owner advised that they would submit the development permit application to Islands Trust and their engineer would be on site September 5, 2018.
Jun 1, 2021	Email received from Islands Trust advised that the development permit application was not received.  Building permit application cancelled by the Building Inspector.
Jun 3, 2021	Letter sent to the owner by registered mail referencing the letter of March 16, 2018 and site visit of August 13, 2018 advised that the building permit application had been cancelled and the next step would be to register a notice on title and refer the file for further action.
Oct 29, 2021	Site visit conducted by Building Inspector. Photos taken.
Jun 14, 2022	Telephone message left at motel front desk for owner or manager to contact the Chief Building Inspector.
Jun 15, 2022	The Chief Building Inspector confirmed with Islands Trust that the owner has not contacted them regarding the required development permit. Islands Trust has created a bylaw enforcement file and will contact the owner again.  The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.



**Appendix B**

**Photos:**

February 9, 2018



February 21, 2018



October 29, 2021

