



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, December 14, 2022

10:00 AM

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

Hearing Session

P. Brent (Chair), G. Holman (Vice-Chair), A. Wickheim, 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. [22-686](#) Minutes of the Hearing Session of the October 12, 2022 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of October 12, 2022 be adopted as circulated.

Attachments: [Minutes - October 12, 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 [1]**

- 6.1. [22-640](#) File Notice on the Land Title of 123 & 123A Ashya Road, Strata Lot 7, 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 027-928-101, File NT000303

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 7, 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 027-928-101 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-123/123A Ashya Road, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.2. [22-642](#) File Notice on the Land Title of Walker's Hook Road, Lot 1, District Lot 22, North Salt Spring Island, Cowichan District, Plan VIP72976, PID 025-202-375, Files NT0000371

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 Lot 22, North Salt Spring Island, Cowichan District, Plan VIP72976, PID 025-202-375 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-Walker's Hook Road, Lot 1, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.3. [22-643](#) File Notice on the Land Title of 600 Walker's Hook Road, Lot 2, District Lot 22, North Salt Spring Island, Cowichan District, Plan 5373, Except Parcel A (DD 188069I) of Lots 1 and 2 of Said Plan and Except Part in Plans 5742 and VIP72976, PID 005-964-725, File NT000372

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 2, District Lot 22, North Salt Spring Island, Cowichan District, Plan 5373, Except Parcel A (DD 188069I) of Lots 1 and 2 of Said Plan and Except Part in Plans 5742 and VIP72976, PID 005-964-725 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-600 Walker's Hook Road, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.4. [22-644](#) File Notice on the Land Title of 4505 Bedwell Harbour Road, The South West 1/4 of the North East 1/4 of Section 15, Pender Island, Cowichan District, Except Parcel C (DD 37613I), PID 009-675-159, File NT000054

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: The South West 1/4 of the North East 1/4 of Section 15, Pender Island, Cowichan District, Except Parcel C (DD 37613I), PID 009-675-159 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-4505 Bedwell Harbour Road, SGI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)
[Appendix C: Correspondence](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, October 12, 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, C. Plant (Board Chair, ex-officio)

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; K. Campbell, Senior Manager, Salt Spring Island Administration (EP); 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)

EP - Electronic Participation

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 October 12, 2022 Electoral Areas
Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [22-608](#) Minutes of the Hearing Session of the July 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 July 13, 2022 be adopted as circulated.

CARRIED

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

B. Cranna spoke to Item 6.7. He stated that they are working toward compliance
on this property.

N. Fridd spoke to Item 6.4. He is applying for a new building permit for this
property.

R. Julei spoke to Item 6.5. He stated that the key concerns for this property have
been addressed and that he would like an inspection completed.

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 [4]
- Southern Gulf Islands [2]

- 6.1. [22-581](#) File Notice on the Land Title of 3612 Petrel Drive, Lot 26, Section 2,
Renfrew District, Plan VIP83894, PID 027-253-791, File NT000369

M. Taylor spoke to Item 6.1.

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 26, Section 2, Renfrew District, Plan
VIP83894, PID 027-253-791 or any subdivision of said lands as may be affected by
the contravention(s).

CARRIED

- 6.2.** [22-533](#) File Notice on the Land Title of 240 Old Scott Road, Lot 1, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658, File NT000344
- M. Taylor spoke to Item 6.2.
- MOVED by Director Holman, SECONDED by Alternate Director Brent,
That this item be postponed for two (2) months to allow the property owner sufficient time to submit a permit application.
CARRIED**
- 6.3.** [22-531](#) File Notice on the Land Title of 1749 Fulford-Ganges Road, Lot A, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870, File NT000351
- 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: Lot A, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870 or any subdivision of said lands as may be affected by the contravention(s).
CARRIED**
- 6.4.** [22-532](#) File Notice on the Land Title of 600 Isabella Point Road, The North East ¼ of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491, File NT000326
- M. Taylor spoke to Item 6.4.
- MOVED by Director Holman, SECONDED by Alternate Director Brent,
That this item be postponed for two (2) months to allow the property owner the opportunity to address the key issues raised.
CARRIED**
- 6.5.** [22-582](#) File Notice on the Land Title of 289 Stewart Road, Lot A, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854, File NT000363
- M. Taylor spoke to Item 6.5.
- MOVED by Alternate Director Brent, SECONDED by Director Holman,
That this item be postponed for sixty (60) days.
CARRIED**

6.6. [22-534](#) 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 6.6.

**MOVED by Alternate Director Brent, SECONDED by Director Holman,
That this item be postponed for sixty (60) days.
CARRIED**

6.7. [22-535](#) File Notice on the Land Title of 266 Leighton Lane, Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081, File NT000353

M. Taylor spoke to Item 6.7.

**MOVED by Alternate Director Brent, SECONDED by Director Holman,
That this item be postponed for sixty (60) days.
CARRIED**

7. Adjournment

**MOVED by Alternate Director Brent, SECONDED by Director Holman,
That the Hearing Session of the Electoral Areas Committee meeting be
adjourned at 11:29 am.
CARRIED**

CHAIR

RECORDER



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 14, 2022**

SUBJECT File Notice on the Land Title of 123 & 123A Ashya Road, Strata Lot 7, 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 027-928-101, File NT000303

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 3, 2016, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A single Family Dwelling has been occupied in violation. Island Health's final approval of sewerage system is required for Certificates of Occupancy. Letters were sent February 13, March 12 and April 20, 2020.

A cottage has been occupied in violation. A Conditional Certificate of Occupancy has expired. Island Health's final approval of sewerage system is required for a Certificate of Occupancy. Letters were sent January 22, February 10, March 5 and April 20, 2020.

The owner has 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.

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.

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 7, 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 027-928-101 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 7, 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 027-928-101 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 3, 2016 Application received to construct a Single Family Dwelling (SFD) at 123 Ashya Road.
- Application received to construct a Cottage at 123A Ashya Road.
- Mar 11, 2016 Change of ownership. Building Inspection office was not notified.
- May 18, 2016 Building permits for SFD and Cottage issued.
- Nov 6, 2017 Inspection of SFD conducted by Building Inspector. Determined an Islands Trust Development Variance Permit (DVP) was required for encroachment into the side yard setback.
- Jul 12, 2018 Schedule C-B Structural for SFD received. Schedule C-B Geotechnical still required.
- Jul 6, 2018 Inspection of SFD conducted by Building Inspector.
- Jul 27, 2018 Email sent to the first representative advised that a Certificate of Occupancy (CO) could not be issued until Islands Trust issued the DVP.
- Jul 27, 2018 Conditional Certificate of Occupancy (CCO) issued for Cottage. Deficiencies included installation of final exterior stairs, installation of finished guards and completion of crawlspace insulation.
- Feb 6, 2019 Islands Trust issued the DVP.
- Jun 20, 2019 Island Health sewerage filing for the common field system received. Final approvals required for common system and individual connection.
- Jan 22, 2020 Letter sent to the first representative advised that the Cottage permit and CCO had expired.
- Feb 10, 2020 Letter sent to the first and second representatives referencing letter of January 22, 2020 advised that the Cottage CCO had expired and a new building permit application was required by February 28, 2020
- Feb 13, 2020 Letter sent to the second representative and first owner advised that the SFD permit had expired and a new application was required by March 5, 2020.
- Mar 5, 2020 Letter sent to the second owners advised that the Cottage CCO issued to the first owner had expired and a new application was required by March 27, 2020.
- Mar 12, 2020 Letter sent to the second owners advised that the SFD permit had expired and a new building permit application was required by March 27, 2020.

- Mar 24, 2020 Inspection of Cottage conducted by Building Inspector. CO was not issued as Island Health's Final Approval for the common field system and individual connection had not been received.
- Mar 27, 2020 No new applications received for the SFD and Cottage.
- Apr 15, 2020 Schedule C-B Geotechnical received for Cottage, but not SFD.
- Apr 20, 2020 Letter concerning the SFD sent to the representative and second owners by registered mail referencing the letters of February 13 and March 12, 2020 advised that a CO could not be issued until the Schedule C-B Geotechnical and Island Health's final approval were received. Instructions to obtain the documents were provided. Building permit application required by June 30, 2020 or the next step would be to register a notice on the land title and refer the file for further action.
- Letter concerning the Cottage sent to the representative and second owners by registered mail referencing the letters of January 22, February 10 and March 5, 2020 advised that Island Health's final approval was required. Instructions to obtain the documents were provided. Building application required by June 30, 2020 or the next steps would be to register a notice on the land title and refer the file for further action.
- Apr 21, 2020 Permit status changed to "Expired" for SFD and Cottage permits.
- Jun 30, 2020 Canada Post tracking confirmed all letters were delivered, but no responses received.
- Aug 27, 2020 Site visit conducted by Building Inspector. No change. Photos taken.
- Oct 21, 2020 Second representative advised Building Inspection office that the second owners had instructed all representatives to have no further involvement with the project.
- Jul 29, 2021 Island Health Common Property Sewerage System Final for all Lots in the development received. Individual Connection Filing and Final for SFD and Cottage still required.
- Dec 23, 2021 Change of ownership. Building Inspection office was not notified. No contact information provided.
- Jun 6, 2022 To date, neither a building permit application nor additional communications have been received from the new or previous owners.
- Jun 14, 2022 Letter sent to the third owner by registered mail listing the unresolved issues related to the SFD and Cottage advised them to contact the Building Inspection office by July 11, 2022 to avoid recommendation of the notice on title.
- Jun 17, 2022 Call received from the third owner. Contact information updated.

- Nov 4, 2022 To date, no progress has been made to remedy the violations. Both building permits must be reinstated and documents submitted.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Nov 21, 2022 The Chief Building Inspector contacted the owner by phone and discussed the file deficiencies needed to address, and the upcoming recommendation for a Notice on title.
- Nov 21, 2022 The Chief Building Inspector contacted Island Health and confirmed that to date final approval has not been given to septic system GV16/142 or GV16/143 for the house and cottage. Further to this an email was sent to the Geotech Engineer involved with this property asking if final approval CB documents have been issued. Final Geotech documents, CB's, have now been received for each of the buildings. Sewerage system approvals is the remaining deficiency.

Appendix B

Photos:

August 27, 2020

123 Ashya Road – Single Family Dwelling



123A Ashya Road – Single Family Dwelling (Cottage)





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 14, 2022**

SUBJECT **File Notice on the Land Title of Walker’s Hook Road, Lot 1, District Lot 22, North Salt Spring Island, Cowichan District, Plan VIP72976, PID 025-202-375, Files NT0000371**

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 21, 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 July 21, 2020 for construction without permits for a large deck near the water which appeared to be constructed to support a yurt. A yurt was subsequently installed and used as a rental accommodation without permits or approvals.

A site visit conducted on November 8, 2021 confirmed construction of a boathouse in addition to the deck and yurt without permits or approvals. Letters have been sent to the owners regarding outstanding violations and steps for resolution. To date, no building permit applications have been received.

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.

3.1.3 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: Lot 1, District Lot 22, North Salt Spring Island, Cowichan District, Plan VIP72976, PID 025-202-375 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 Lot 22, North Salt Spring Island, Cowichan District, Plan VIP72976, PID 025-202-375 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:

- Jul 14, 2020 Public complaint received for a structure built too close to the shoreline.
- Jul 21, 2020 Stop Work Order (SWO) posted for construction without permits of a large deck near the water, possibly designed to support a yurt. Photos taken.
- Jul 23, 2020 Letter sent to the owners by registered mail advised of the SWO and required a building permit application be submitted by August 21, 2020.
- Jul 28, 2020 Email received from the owners enquiring about the SWO.
Email response sent to the owners advised any structure with a footprint greater than 10 square metres requires a building permit regardless of its use. This structure far exceeded that limit and thus required a building permit.
- Jul 30, 2020 Letter received from the owners (formal response to SWO) explaining their understanding of the legal use of the buildings.
- Jul 31, 2020 Email sent to the owners, referencing the letter received July 30, 2020, advised the SWO was still active and any ongoing work was subject to further enforcement action.
Email received from the owners stated the ongoing work is for a different project.
- Aug 4, 2020 Email sent to the owners referencing their letter received July 30, 2020 advised permits are required for any building with a footprint greater than 10 square meters, including farm buildings. Once land use is approved by Islands Trust, a building permit application would be required.
Second email sent to the owners referencing the email received July 31, 2020 repeated the above information.
Owners responded via email regarding land use. Islands Trust included in email.
- Aug 5, 2020 Email sent to the owners from Islands Trust required supporting documentation and a Soil Deposit Permit Application be submitted by August 31, 2020.
Second email sent to owners from Building Inspection included copies of relevant building permit application forms and advised that the application may only be submitted following Islands Trust zoning approval.
- Sep 8, 2020 Email received from the owners requested permission to dismantle and move the platform to meet Islands Trust bylaws.
- Sep 24, 2020 Email sent to the owners from Islands Trust advised a Development Variance Permit (DVP) was required for contravening structures: boathouse (deck structure) with ramp (stairs). Photo provided by Islands Trust.

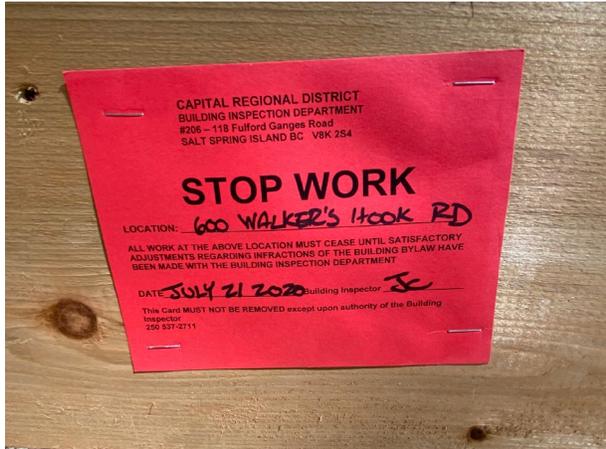
- Sep 29, 2020 Email sent to Islands Trust from the owners questioned the limitation of one boathouse per lot.
Email sent to the owners from Islands Trust confirmed this limitation. Photo provided by Islands Trust.
- Sep 30, 2020 Email sent to Islands Trust from the owners further questioned the limitation.
Email response to the owners from Islands Trust advised that further questions be directed to the Bylaw Enforcement.
Owner emailed Islands Trust and Bylaw Enforcement requesting further explanation or direction.
- Dec 9, 2020 Site visit conducted by Building Inspector. Work continued on the deck and yurt without permits. SWO remained on site.
- Jan 29, 2021 Public complaint received for large yurt on the deck by the beach.
- May 28, 2021 Public complaint received for stairs built into ditch from questionable building (600 Walker’s Hook Road; adjoining property, same owners).
- Oct 29, 2021 Islands Trust aware of use of the yurt as a rental accommodation occupied without permits or approvals.
- Nov 8, 2021 Site visit conducted by Building Inspector. Photo taken of deck and yurt. Construction of boathouse confirmed. Construction without permits and approvals also noted at 600 Walker’s Hook Road, adjoining property.
- Nov 30, 2021 Letter sent to the owners by registered mail referencing the SWO posted July 21, 2020 and site visits on December 9, 2020 and November 8, 2021 advised that, as the required application had not been received, the next step would be to register a notice on title and then refer the file for further action.
- Dec 16, 2021 Adjudication hearing between the owners and Islands Trust regarding bylaw violation notices. Adjudicator decided in favour of Islands Trust and ordered the penalty be paid.
- Jan 17, 2022 Letter sent to the owners by registered mail referencing the SWO posted July 21, 2020, site visits on December 9, 2020 and November 8, 2021, letter of November 30, 2021 and Islands Trust Adjudication Hearing of December 16, 2021 required building permits applications for the yurt deck and boathouse be submitted by March 31, 2022.
- Feb 1, 2022 Email received from the owners in response to letter of January 17, 2022 advised that building permits would be submitted following Islands Trust approval. To date, Islands Trust have rejected the boathouse.
- May 11, 2022 Building Inspector recommended registration of a notice on title.

- Nov 4, 2022 To date, building permit applications have not been received for the yurt deck or boathouse.
The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Nov 17, 2022 The Chief Building Inspector sent an email to the owners’ agent asking of intentions with respect to this bylaw contravention.

Appendix B

Photos:

July 21, 2020



September 24, 2020 – Boathouse (photo provided by Islands Trust)



September 29, 2020 – Boathouse (photo provided by Islands Trust)



November 8, 2021





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 14, 2022**

SUBJECT **File Notice on the Land Title of 600 Walker’s Hook Road, Lot 2, District Lot 22, North Salt Spring Island, Cowichan District, Plan 5373, Except Parcel A (DD 188069I) of Lots 1 and 2 of Said Plan and Except Part in Plans 5742 and VIP72976, PID 005-964-725, File NT000372**

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 8, 2021, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

During a site visit to monitor work without permits at the adjoining property (Lot 1 Walker’s Hook Road), the Building Inspector noted construction without permits of a large stair and farm stand structure. A letter was sent to the owners advising of the need for permits and approvals. To date, no building permit application has been received, nor has Land Use approval from Islands Trust or Ministry of Transportation and Infrastructure approval for possible road right of way encroachment been received.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.8 Work Contrary to Requirements

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

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 2, District Lot 22, North Salt Spring Island, Cowichan District, Plan 5373, Except Parcel A (DD 188069I) of Lots 1 and 2 of Said Plan and Except Part in Plans 5742 and VIP72976, PID 005-964-725 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 2, District Lot 22, North Salt Spring Island, Cowichan District, Plan 5373, Except Parcel A (DD 188069I) of Lots 1 and 2 of Said Plan and Except Part in Plans 5742 and VIP72976, PID 005-964-725 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:

- May 28, 2021 Public complaint received for questionable construction of stairs and building.
- Nov 8, 2021 Site visit conducted by Building Inspector at adjoining property with the same owners (Lot 1 Walker’s Hook Road). Building Inspector noted construction of a large stair and farm stand structure without permits or approvals at 600 Walker’s Hook Road. Photos taken.
- Jan 17, 2022 Letter sent to the owners by registered mail referencing the violations on the adjoining property advised that a building permit application be submitted for the large stair and farm stand structure by March 31, 2022.
- Feb 1, 2022 Email received from owners in response to letter of January 17, 2022. Application submitted to the Ministry of Transportation and Infrastructure (MoTI), due to possible encroachment into the road right of way. To date, neither MoTI nor Islands Trust have issued permits or approvals.
- May 11, 2022 Building Inspector recommended registration of a notice on title.
- Nov 4, 2022 To date, no building permit application has been received.
The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Nov 17, 2022 The Chief Building Inspector sent an email to the owners’ agent asking of intentions with respect to this bylaw infraction.

Appendix B

Photos:

November 8, 2021





Making a difference...together

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 14, 2022**

SUBJECT **File Notice on the Land Title of 4505 Bedwell Harbour Road, The South West 1/4 of the North East 1/4 of Section 15, Pender Island, Cowichan District, Except Parcel C (DD 37613I), PID 009-675-159, File NT000054**

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 1, 2005, CRD Building Inspection staff have attempted to work with the owner to achieve compliance with Building Regulation Bylaw No. 3741 for existing and new buildings (see Appendix A - History).

Ten building permits were issued in 2005: three to deconstruct two Single Family Dwellings (SFD) and one Accessory Building, four to demolish four Accessory Buildings, and three to construct one SFD and two Accessory Buildings, including an existing SFD conversion to Accessory Building. Approval by Islands Trust was given for the new SFD building permit to be issued subject to several conditions needing to be met prior to final occupancy. The conditions were to ensure that the remaining structures on the property were in compliance with land use regulations (see Appendix C - Correspondence).

All 10 permits expired. No new applications were received. A site visit on February 10, 2016 revealed that the three existing SFDs were occupied and the new SFD showed signs of deterioration. A recent site visit confirmed the three SFDs remain occupied. The owner intends to continue working on the house, however, he remains without the necessary permit.

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.

3.1.3 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: The South West 1/4 of the North East 1/4 of Section 15, Pender Island, Cowichan District, Except Parcel C (DD 37613I), PID 009-675-159 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: The South West 1/4 of the North East 1/4 of Section 15, Pender Island, Cowichan District, Except Parcel C (DD 37613I), PID 009-675-159 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 C: Correspondence

Appendix A

History:

Jun 18, 2004	Letter sent to the owner from the Agricultural Land Commission regarding requirements for proposed re-development of the property (see Appendix C - Correspondence).
Apr 1, 2005	Three building permits issued to deconstruct two Single Family Dwellings (SFDs) and one Accessory Building.
May 3, 2005	Letter received from Islands Trust stated no objection to the issuance of a building permit for the construction of a new SFD, subject to several conditions being met prior to final occupancy (see Appendix C - Correspondence).
May 26, 2005	Four building permits issued to demolish four Accessory Buildings.
Jun 13, 2005	Three building permits issued to construct a SFD, construct a Workshop and construct a Garage.
Apr 4, 2006	Revised building permit drawings received from the Structural Engineer.
Oct 5, 2006	Two field review reports received from the Structural Engineer.
July 4, 2007	All 10 building permits granted a one-year extension by the Chief Building Inspector.
Jan 20, 2009	All 10 building permits expired for work not commenced or completed.
Feb 26, 2009	Site visit conducted by the Building Inspector at the owner's request. All 10 building permits to remain expired.
Feb 15, 2012	Site visit conducted by the Building Inspector. The Building Inspector advised the owner to reactivate the SFD building permit. If not, a notice on title would be registered. Photos taken.
Feb 17, 2012	The owner visited the Building Inspection office and advised that he would reactivate one permit at a time starting with the permit to construct the SFD.
Mar 14, 2012	Letter sent to the owner from the Chief Building Inspector referencing the owner's discussion with the Building Inspector confirmed that the SFD building permit had expired and a new permit application would be required to complete the work.
July 18, 2014	Site visit conducted by the Building Inspector. The owner told the Building Inspector that he would reactivate the permits soon.
Jan 28, 2016	Letter sent to the owner by registered mail from the Chief Building Inspector advised that, since resolution to the issues had not been received, the next step would be to register a notice on title and then refer the file for further action.
Feb 10, 2016	Site visit conducted by the Building Inspector. Three SFDs still occupied.

- Feb 11, 2016 Letter sent to the owner referencing the site visit of February 10, 2016 advised that additional documentation would be required prior to reapplication. Failure to comply within 60 days would result in the registration of a notice on the land title. Required documentation included:
- a) Structural Engineer's sealed plans with all changes for the west wing.
 - b) Embossed land survey to show all current structures on the property and proposed use. Once received, the application would be re-referred to Islands Trust as not all cottages were shown on the site plan of the previous referral.
 - c) If there is an intention to construct the rest of the east wing of the SFD and garage addition, then Architect's sealed plans would be required with any additional applications.
 - d) Contract value for the completion of the west wing.
- Apr 23, 2018 Site visit conducted by the Building Inspector. The three cottages had been rented out and the SFD showed signs of deterioration. Photos taken.
- Aug 1, 2019 The owner and Building Inspector discuss the requirements to reactivate the building permits and resolve the outstanding land issues. The owner stated his intention to complete the SFD soon.
- May 6, 2020 Building permit application received and issued to construct three chimneys, two wood stoves and one fireplace. The Building Inspector verbally reminded the owner of the notice on title process, but a new application to reactivate the SFD permit was not received.
- Jun 10, 2020 Site visit conducted by the Building Inspector. The three SFDs remain occupied. Photos taken.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Oct 8, 2020 Email sent to the owner from the Chief Building Inspector advised that a staff report was being prepared and requested the owner contact him to discuss the outstanding permit issues.
- The owner called the Chief Building Inspector to discuss outstanding issues.
- Oct 13, 2020 Email sent to the owner from the Chief Building Inspector referencing the phone call of October 8, 2020 advised that the notice on title process would be put on hold if the owner obtained a new building permit for the completion of the SFD as soon as possible.
- Dec 16, 2020 The owner called the Chief Building Inspector to advise that his contractor was working on an application. The Chief Building Inspector advised the owner to do no further work on the house, aside from chimney work, until a valid permit was issued.
- May 6, 2022 Building permit expired for three chimneys, two wood stoves and one fireplace. To date, no application has been received to reactivate the SFD building permit.

- May 31, 2022 Letter sent to the owner by registered mail advised that the building permit issued to construct three chimneys, two wood stoves and one fireplace expired May 6, 2022. Referencing the letters of March 14, 2012, January 28 and February 11, 2016 and site visits of February 10, 2016, April 23, 2018 and June 10, 2020, the letter advised that new permits were required to complete the work of the original 10 building permits. Since no applications had been received, the next step in the process would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed the letter was delivered.
- Jun 13, 2022 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jun 15, 2022 The Chief Building Inspector called the owner and learned he is in the hospital. Report postponed.
- Nov 4, 2022 To date, no progress has been made to remedy the violations.
The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Nov 16, 2022 The Chief Building Inspector contacted the owner by phone and discussed again, the long overdue need for a building permit in order to complete the house. He says he will do what is needed to receive the necessary permit but very soon will be leaving the country for six months and will likely not be able to complete the submission prior to leaving.

Appendix B

Photos:

February 15, 2012

New Single Family Dwelling



April 23, 2018

New Single Family Dwelling





Cottage



June 10, 2020

New Single Family Dwelling



Cottage



Appendix C

Correspondence:



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

June 18, 2004

Reply to the attention of Gordon Bednard

Godfrey Miller
4505 Bedwell Harbour Road
Pender Island, BC - V0N 2M1

Dear Sir:

Re: **Application #C-ITPI-35331**
SW 1/4 of the NE 1/4 of, Section 15, Pender Island, Cowichan District,
EXCEPT Parce C (DD37613)
PID 009-675-159

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to:

- 1) renovate/expand two existing dwellings in the ALR
- 2) remove a third existing dwelling located in the ALR
- 3) construct a new home in the ALR, and
- 4) construct an additional new home on the same property but outside the ALR.

The net result of the application would be three homes on the ALR portion of the property and one outside the ALR. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with Commissioner David Craven and staff member Gordon Bednard at the property on May 20, 2004. The Commission found that information gathered at that time was very useful in helping the Commission to make its decision. In particular, the Commission appreciated your desire to provide for the needs of your mother on the property, and also were encouraged by vision for the future agricultural development of the land.

The Commission was concerned, however, that given the limited area of usable agricultural land on this property, three dwellings within the ALR area would severely reduce the future agricultural utility of the remaining ALR lands.

As you have non-ALR options regarding the location of any new dwellings on the property, the Commission felt that allowing two dwellings in the ALR, especially in advance of any agricultural development would be the limit of what could reasonable be allowed.

Therefore, it was the decision of the Commission that the application be refused as presented. However, the Commission, for reasons given above, would allow the re-development within the ALR portion of the property, of any two of the three existing dwellings, with the third dwelling having to be removed from the ALR. The Commission leaves the decision of which 2 dwellings are to be renovated up to yourself, in consultation with other authorities. Any additional residential use on the property must take place outside the ALR.

/2

Page 2
#C-ITPI-35331

This partial approval is subject to compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Islands Trust at your earliest convenience.

The decision noted above is recorded as Resolution # 266/2004.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:


K. B. Miller, Chief Executive Officer

cc: Islands Trust - Victoria Attn: Robert Kojima
BC Assessment - Victoria

GB/eg

I/35331d1



200 - 1627 Fort Street, Victoria, B.C. V8R 1H8
Telephone: (250) 405-5151 Facsimile: (250) 405-5155
Internet: <http://www.islandstrust.bc.ca>
For toll free access, request a transfer via Enquiry BC:
In Vancouver 660-2421; elsewhere in B.C. 1-800-663-7867

May 3, 2005

File Number: NP-BP-07-05
Your File: 4.300.P, 302.P & 304.P(05)

CRD Building Inspection
PO Box 1000
Victoria, BC V8W 1R7

Attn: Robert Gutierrez

Re: SW ¼ of the NE ¼ of Section 15, Pender Island, Except PCL 'C' Cowichan District, 4505 Bedwell Harbour Road

You have referred the above noted building permit application to the Islands Trust for confirmation of zoning. I have no objection to you issuing a building permit, conditional upon the following:

1. That the permit require that the connection between the "north wing" and the "east wing" of Building A ("Main House") be a completely enclosed structure having walls, roof and floor. The plans appear to indicate that the connection is open to the passageway below and also that the connecting structure is not accessible from either wing.

Further, I would request that final occupancy be made subject to confirmation of the following conditions:

1. The issuance and completion of a demolition or deconstruction permit for the existing dwelling.
2. The completion of work on the second dwelling, reducing the floor area to 56m² or less.
3. Confirmation that there is only one kitchen, containing a single set of facilities for food preparation, in the principal dwelling.
4. Proof, in the form of current BCAA farm tax status, that the property is a working farm prior to occupancy of the agri-tourism accommodation units.
5. Confirmation that the height of the principal dwelling is consistent with the maximum permitted height of 9.7 metres.
6. That accessory buildings B and C are to be used for farm purposes.
7. That provision is made for seven off-street parking spaces (2 for the principal dwelling, two for the cottage and one for each agri-tourist accommodation unit).

The land is located within the Agricultural Land Reserve: for your reference, I have attached a copy of an ALC decision issued in June 2004 concerning this property.

If you have any questions please contact me at 250-405-5159.

RECEIVED
MAY 05 2005

k:\tc\north pender\bp referrals\2005\vp-bp-07-05 (miller).doc

BOWEN DENMAN HORNBY GABRIOLA GALIANO GAMBIER LASQUETI MAYNE N. PENDER SALT SPRING  CAPITAL REGIONAL DISTRICT
Building Inspection Department

Sincerely,

Robert Kojima
A/Senior Planner
Local Planning Services
rkojima@islandstrust.bc.ca
(250) 405-5159

PC: Godfrey Miller

enclosure