



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, January 11, 2023

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. [23-038](#) Minutes of the Hearing Session of the December 14, 2022 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of December 14, 2022 be adopted as circulated.

Attachments: [Minutes - December 14, 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. [23-015](#) 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

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 North East 1/4 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 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 600 Isabella Point Road, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.2. [23-016](#) 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

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 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-240 Old Scott Road, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.3. [23-017](#) 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

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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title-484 Cherry Tree Bay Road, SGI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, December 14, 2022

10:00 AM

6th Floor Boardroom

625 Fisgard St.

Victoria, BC V8W 1R7

Hearing Session

PRESENT

Directors: P. Brent (Chair), G. Holman (Vice-Chair), A. Wickheim, C. Plant (Board Chair, ex-officio)

Staff: T. Robbins, Chief Administrative Officer; N. Chan, Chief Financial Officer; I. Jesney, Acting General Manager, Integrated Water Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Carby, Senior Manager, Protective Services; S. Henderson, Senior Manager, Real Estate and Southern Gulf Islands Administration; J. Reimer, Manager, Electoral Area Fire and Emergency Programs; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; C. Vrabel, Fire Services Coordinator, Protective Services; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

The meeting was called to order at 10:00 am.

1. Territorial Acknowledgement

Chair Brent 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 Director Holman, **SECONDED** by Director Wickheim,
That the agenda for the Hearing Session of the December 14, 2022 Electoral
Areas Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [22-686](#) Minutes of the Hearing Session of the October 12, 2022 Electoral Areas
Committee Meeting

MOVED by Director Holman, **SECONDED** by Director Wickheim,
That the minutes of the Hearing Session of the Electoral Areas Committee
meeting of October 12, 2022 be adopted as circulated.

CARRIED

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

There were no comments by property owners.

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

- 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

M. Taylor spoke to Item 6.1.

MOVED by Director Holman, **SECONDED** by Director Wickheim,
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).

CARRIED

- 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

M. Taylor spoke to Item 6.2.

MOVED by Director Holman, **SECONDED** by Director Wickheim,
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).

CARRIED

- 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

M. Taylor spoke to Item 6.3.

Discussion ensued on the right of way encroachment and the necessary permits/approval required.

MOVED by Director Holman, **SECONDED** by Director Wickheim,
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).

CARRIED

- 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

M. Taylor spoke to Item 6.4.

MOVED by Director Brent, **SECONDED** by Director Wickheim,
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).

CARRIED

7. Adjournment

MOVED by Director Plant, **SECONDED** by Director Holman,
That the Hearing Session of the December 14, 2022 Electoral Areas Committee
meeting be adjourned at 10:12 am.

CARRIED

CHAIR

RECORDER



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JANUARY 11, 2023

SUBJECT **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**

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 22, 2008, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Stop Work Notices were posted on one Mobile Home and six Accessory Buildings on October 17, 2011. Building permits were issued. Several were completed while others were expired. Alterations and additions without permits or approvals were subsequently made to several structures. On October 26, 2021 two new Accessory Buildings were discovered constructed and occupied without permits or approvals.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure or other work related to construction 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 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 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 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 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

Jul 22, 2008	Permit SS08-264 issued for Move-In Mobile Home #1 (Mobile Home).
Nov 24, 2008	Final inspection conducted by Building Inspector. Photo taken.
Apr 12, 2010	Certificate of Occupancy (CO) issued for Mobile Home.
Jul 18, 2011	Permit application received for Move-In Single Family Dwelling (SFD). Building Inspector determined additional documents were required for processing.
Oct 17, 2011	Stop Work Notice posted on Move-In Mobile Home #2 (Farm Use Mobile) and Accessory Buildings (Chicken Coop #1, Chicken Coop #2, Barn, Greenhouse #1 and Greenhouse #2) built without permits or approvals. Photos taken.
Oct 24, 2011	Letters sent to the owner by registered mail advised of the Stop Work Notice and required building permit applications for the above structures.
Jan 17, 2012	Permit SS12-008 issued for Move-In SFD.
Oct 22, 2013	Permit SS13-217 issued for installation of plumbing to Move-In SFD.
Dec 27, 2013	Permit SS13-273 issued for construction of Chicken Coop #1. Permit SS13-274 issued for construction of Chicken Coop #2.
Dec 29, 2014	Permit SS13-273 (Chicken Coop #1) expired with no inspections. Permit SS13-274 (Chicken Coop #2) expired with no inspections.
Feb 11, 2016	Permit BP001872 issued for reactivation of Chicken Coop #1. Final inspection passed. Permit closed as completed. Permit BP001873 issued for reactivation Chicken Coop #2. Final inspection passed. Permit closed as completed.
Feb 12, 2016	Permit BP001881 issued for reactivation of Move-In SFD. Permit BP001882 issued for construction of Barn. Final inspection passed. Permit closed as completed. Permit BP001883 issued for Farm Use Mobile. Permit BP001884 issued for construction of Greenhouse #1. Final inspection passed. Permit closed as completed. Permit BP001885 issued for construction of Greenhouse #2. Final inspection passed. Permit closed as completed.
Mar 3, 2016	Permit BP001882 (Barn) completed.

Feb 12, 2018	Permit BP001883 (Farm Use Mobile) expired with no inspections.
Nov 27, 2019	Permit BP005902 issued for second reactivation of Move-In SFD. Permit BP005903 issued for additional installation of plumbing to Move-in SFD.
Dec 5, 2019	Letter sent to the owner advised that permit BP001883 (Farm Use Mobile) expired February 12, 2018. Deadline for reactivation January 6, 2020.
Mar 5, 2020	Letter sent to the owner advised permit BP001883 (Farm Use Mobile) expired February 12, 2018. Deadline for reactivation extended to March 20, 2020.
Mar 26, 2020	Letter sent to the owner referencing letter of March 5, 2020 advised that permit BP001883 (Farm Use Mobile) expired February 12, 2018 and the next step would be a notice on title. Deadline for reactivation extended to April 9, 2020.
Oct 22, 2020	Permit BP006783 issued for reactivation of Farm Use Mobile. Letter sent to the owner with deficiencies and requirements to complete the Move-In SFD and plumbing, including that the Farm Use Mobile comply with Islands Trust Bylaw 355 (no habitation) before occupancy would be issued for the Move-In SFD.
Feb 2, 2021	Permit BP005902 (Move-In SFD second reactivation) expired. Letter sent to the owner advised that reactivation was required by March 2, 2021.
Mar 17, 2021	Email received from Islands Trust advised that land use and zoning allows one SFD, one additional dwelling and one seasonal cottage.
Mar 22, 2021	Permit BP006783 (Farm Use Mobile reactivation) closed with no inspections.
Mar 24, 2021	Letter sent to the owner by registered mail referencing letters of October 24, 2011, October 22, 2020 and February 2, 2021 advised that the next step would be to register a notice on title and then refer the file for further action.
Oct 26, 2021	Site visit completed. Photos taken. Outstanding issues include: <ul style="list-style-type: none">a) Mobile Home: CO issued, subsequent alterations made without permits or approvals;b) Move-In SFD: permits expired, no CO issued, alterations and additions made without permits or approvals;c) Farm Use Mobile: permits expired, alterations and additions made without permits or approvals;d) Barn: alterations and possible change of use without permits or approvals;e) New Accessory Building #1: constructed and occupied as dwelling without permits or approvals;f) New Accessory Building #2: constructed and occupied as dwelling without permits or approvals; and,g) Recreational Vehicles (RVs): occupied as dwellings.
Nov 26, 2021	Email sent to Islands Trust advised that a recommendation would be made to register a notice on title, citing the above violations.

Nov 26, 2021	Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jul 18, 2022	Chief Building Inspector left a phone message with owner asking for a return call to discuss the owner's intentions.
Aug 26, 2022	Chief Building Inspector emailed the owner asking them to contact him to discuss.
Sep 27, 2022	Registered invitation letter and staff report sent to the owner. Canada Post tracking confirmed it was delivered.
Oct 4, 2022	Phone call with the owner, who agreed to comply with new building permit application for Moved-In SFD and demolition of New Accessory Building #2. The owner claimed they are allowed to have occupied RVs for farm use.
Oct 11, 2022	Phone call with Agricultural Land Commission (ALC) confirmed RVs and non-conforming housing would not be permitted for use for farm workers.
Oct 12, 2022	Electoral Areas Committee (EAC) tabled this item for two months.
Oct 25, 2022	Letter sent to the owner by registered mail referencing the letter of September 27, 2022 advised that a decision for a notice on title would be deferred for two months. However, failure to comply within the two-month deadline would result in a second report being presented recommending registration of the notice on title. Canada Post confirmed delivery of letter.
Dec 12, 2022	Two-month deadline for compliance. To date, the outstanding issues have not been addressed. The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Dec 15, 2022	The Chief Building Inspector contacted the owner and discussed recent actions and intentions. Accessory building #2 is apparently no longer occupied but owner intends to use as accessory building. Yet to be confirmed if building permit required and Islands Trust land use issues met. Other needed permit applications, owner says will be submitted in early 2023.

Appendix B

Photos:

Move-In Mobile Home #1 (Mobile Home)

October 26, 2021



Move-In Single Family Dwelling

October 17, 2011



October 26, 2021

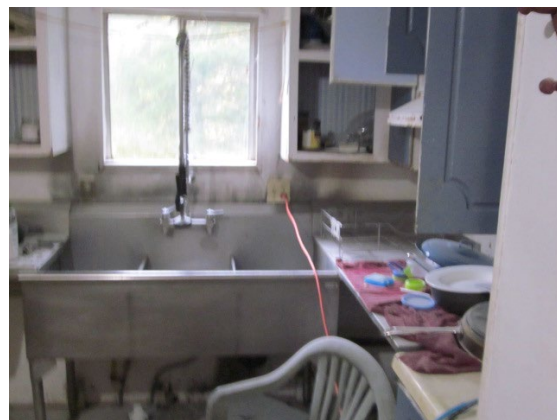


Move-In Mobile #2 (Farm Use Mobile – No Habitation)

October 17, 2011



October 26, 2021



Accessory Building (Barn)

October 17, 2011



October 26, 2021



Accessory Building (New #1) Occupied as Dwelling

October 26, 2021



Accessory Building (New #2) Occupied as Dwelling

October 26, 2021



Recreational Vehicles Occupied as Dwellings

October 26, 2021





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JANUARY 11, 2023

SUBJECT **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**

ISSUE SUMMARY

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

BACKGROUND

Since June 24, 2016, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Deck constructed around a recreational vehicle trailer without building permits or approvals. A Development Variance Permit subsequently issued by Islands Trust specifically excluded the deck. No response to letters. To date, no building permit application has 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 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 1, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 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 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History

Appendix B: Photos

Appendix A

History:

Jun 24, 2016	Complaint received regarding a deck constructed around a recreational vehicle (RV) trailer. Photos taken.
Jun 29, 2016	Site visit conducted by Building Inspector. Deck exceeds 10m ² . Permit required. A Stop Work Notice was not posted and a letter was not sent. File became dormant as focus shifted to other work on the property.
Sep 28, 2017	Permit BP003589 issued to construct retaining walls.
Sep 30, 2019	Permit BP003589 expired.
Jun 22, 2020	Permit BP006458 issued to reactivate Permit BP003589.
Jun 23, 2020	Site visit conducted by Building Inspector. Deck reviewed as part of check.
Aug 25, 2020	Permit BP006458 completed.
Feb 22, 2021	Development Variance Permit (DVP) issued by Islands Trust for a small shed structure constructed on the retaining wall. The DVP specifically excluded the deck built around the RV trailer.
Mar 30, 2021	Letter sent to the owner by registered mail referencing the site visit of June 29, 2016 advised that construction of the deck was completed without a building permit and the DVP confirmed approval for the deck had not been obtained from Islands Trust. Approval from Islands Trust and a building permit application required by May 3, 2021.
Sep 1, 2021	Letter sent to the owner by registered mail referencing the letter of March 30, 2021 advised that, as no response had been received, the next step would be to register a notice on title and then refer the file for further action.
Oct 25, 2021	Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jul 18, 2022	Chief Building Inspector left a telephone message with the owner requesting a return call to discuss the owner's intentions
Sep 27, 2022	Registered invitation letter and staff report sent to the owner. Canada Post tracking confirmed it was available for pick up in the destination country (out of country delivery).
Oct 12, 2022	Electoral Areas Committee (EAC) tabled this item for two months.

- Oct 25, 2022 Letter sent to the owner by registered mail referencing the letter of September 27, 2022 advised that a decision for a notice on title would be deferred for two months. However, failure to comply within the two-month deadline would result in a second report being presented recommending registration of the notice on title.
- Dec 12, 2022 Two-month deadline for compliance. To date, the outstanding issues have not been addressed.
The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Dec 15, 2022 The Chief Building Inspector sent an email to the owner inquiring of recent actions and intentions.

Appendix B

Photos:

June 24, 2016





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JANUARY 11, 2023

SUBJECT **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**

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 19, 2014, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A building permit application was received February 19, 2014 to construct a storage building. The Building Inspector required certain conditions be met prior to issuance, including reactivation of an expired permit to complete a Single Family Dwelling (SFD). This expired permit was re-issued on September 29, 2014 and the storage building permit was issued December 8, 2014.

The SFD and storage building permits expired January 18, 2017. A registered letter sent to the owner advised that failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice being registered on the land title. No response was received and work proceeded without the required building permits.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.8 Work Contrary to Requirements

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

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

- Feb 19, 2014 Building permit application received to construct a storage building.
- Mar 13, 2014 Email sent to the owner advised that the Chief Building Inspector required the following conditions to continue processing the application:
- a) Reactivation of permit MA09-108 (expired January 13, 2012) to complete addition to the Single Family Dwelling (SFD).
 - b) Foundation plan and engineer truss design and specifications.
 - c) Driveway access permit from the fire department.
 - d) BC land survey for flood control.
- Jun 25, 2014 Email sent to the owner advised that the Building Inspector reviewed the files and the above conditions were still required to process the application.
- Sep 29, 2014 Permit BP000170 issued for addition to SFD (reactivation of MA09-108).
- Dec 8, 2014 Permit BP000171 issued to construct storage building.
- Jan 15, 2015 Site visit conducted by the Building Inspector. Photos taken.
- Feb 19, 2015 Stop Work Notice posted for construction of accessory building. Photos taken.
- Feb 23, 2015 Letter sent to the owner advised that the CRD required the engineer's approvals prior to pour and framing inspection. The Stop Work Notice would be removed once written approvals were received from the engineer.
- Mar 13, 2015 Site visit conducted by the Professional Engineer.
- Apr 16, 2015 Site visit conducted by the Building Inspector. Stop Work Notice removed following Professional Engineer's site review report.
- Jan 18, 2017 Permits BP000170 and BP000171 expired.
- Letter sent to the owner advised that new permits would be required to complete the work. Failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice on title.
- Dec 17, 2019 Site visit conducted by Building Inspector. Photos taken.
- Mar 2, 2021 Site visit conducted by Building Inspector. Work proceeded without the required building permit. Photos taken.
- Building Inspector recommended registration of a notice on title for work carried out without passed inspections, work not in accordance with permit, building code deficiency and permits expired with no response to letter.
- Apr 9, 2021 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Mar 18, 2022 The Chief Building Inspector attempted to contact the owner by telephone but was unable to make contact or leave a message.
- Mar 30, 2022 Registered invitation letter and staff report sent to the owner. Canada Post tracking confirmed it was delivered
- Apr 13, 2022 The Electoral Areas Committee (EAC) deferred the recommendation for 90 days.

- May 9, 2022 Registered letter sent to the owner referencing March 30, 2022 letter and April 13, 2022 EAC meeting advised that compliance was required prior to July 13, 2022. Canada Post tracking confirmed it was delivered.
- Jul 13, 2022 As of this deadline, a building permit application had not been received and compliance had not been achieved.
- Jul 18, 2022 The Chief Building Inspector left a telephone message with the owner requesting a return call to discuss the owner's intentions.
- Aug 24, 2022 The Chief Building Inspector phoned the owner, but was unable to leave a voicemail as the owner's inbox was full. The Chief Building Inspector then emailed the owner to discuss.
- Aug 26, 2022 The Building Inspector confirmed that the applicant had not contacted the Building Inspection office to discuss this file.
- Aug 31, 2022 Registered invitation letter and staff report sent to owner for October 12, 2022 EAC. Canada Post tracking confirmed it was delivered.
- Sep 13, 2022 EAC meeting cancelled. Registered letter and email sent to the owner to advise the staff report would be reviewed at the October 12, 2022 meeting. Canada Post tracking confirmed the letter was delivered.
- Sep 27, 2022 Registered invitation letter and staff report sent to the owner. Canada Post tracking confirmed it was delivered.
- Oct 12, 2022 Electoral Areas Committee tabled this item for 60 days.
- Oct 25, 2022 Letter sent to the owner by registered mail referencing the letter of September 27, 2022 advised that a decision for a notice on title would be deferred for 60 days. However, failure to comply within the 60-day deadline would result in a second report being presented recommending registration of the notice on title.
- Dec 12, 2022 Sixty-day deadline for compliance. To date, the outstanding issues had not been addressed and compliance had not been achieved.
- The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Dec 14, 2022 The Chief Building Inspector sent an email to the owner inquiring of any recent actions and intentions.

Appendix B

Photos:

January 15, 2015



February 19, 2015



December 17, 2019



March 2, 2021

