



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, February 8, 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. [23-135](#) Minutes of the Hearing Session of the January 11, 2023 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of January 11, 2023 be adopted as circulated.

Attachments: [Minutes - January 11, 2023](#)

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]

- 6.1. [23-085](#) File Notice on the Land Title of 304 Garner Road, Lot 6, Section 79, South Salt Spring Island, Cowichan District, Plan 35674, PID 000-010-090, File NT000377

Recommendation: That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: Lot 6, Section 79, South Salt Spring Island, Cowichan District, Plan 35674, PID 000-010-090 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 304 Garner Road, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

- 6.2. [23-086](#) File Notice on the Land Title of 109 Spring Gold Way, Lot 1, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304, File NT000376

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 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 109 Spring Gold Way, SSI](#)
 [Appendix A: History](#)
 [Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, January 11, 2023

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; L. Hutcheson, General Manager, Parks and Environmental Services; I. Jesney, Acting General Manager, Integrated Water Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; G. Harris, Senior Manager, Environmental Protection; 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)

The meeting was called to order at 10:01 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 Plant,
That the agenda for the Hearing Session of the January 11, 2023 Electoral Areas
Committee meeting be approved.
CARRIED

4. Adoption of Minutes

- 4.1. [23-038](#) Minutes of the Hearing Session of the December 14, 2022 Electoral Areas Committee Meeting

MOVED by Director Holman, **SECONDED** by Director Plant,
That the minutes of the Hearing Session of the Electoral Areas Committee meeting of December 14, 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 [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

M. Taylor spoke to Item 6.1.

MOVED by Director Holman, **SECONDED** by 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: 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).
CARRIED

- 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

M. Taylor spoke to Item 6.2. stating that a letter from the property owner was received today.

MOVED by Director Holman, **SECONDED** by Director Plant,
That this item be deferred for two (2) months to allow the property owner time to rectify the issue, and that staff inform the property owner of the outcome, and that this will be the last deferral.
CARRIED

- 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

M. Taylor spoke to Item 6.3. stating that the property owner has responded via email.

**MOVED by Director Brent, SECONDED by Director Holman,
That this item be deferred for sixty (60) days to allow the property owner time to
rectify the issue.
CARRIED**

7. Adjournment

**MOVED by Director Plant, SECONDED by Director Wickheim,
That the Hearing Session of the January 11, 2023 Electoral Areas Committee
meeting be adjourned at 10:17 am
CARRIED**

CHAIR

RECORDER



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 8, 2023

SUBJECT **File Notice on the Land Title of 304 Garner Road, Lot 6, Section 79, South Salt Spring Island, Cowichan District, Plan 35674, PID 000-010-090, File NT000377**

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, 2022, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Following receipt of a building permit application for the construction of a Carport on April 1, 2022, the Building Inspector noted there were three expired permits for construction on the property: a workshop, a pool deck, and a yurt with a deck that was now occupied. Letters were sent May 4 and September 9, 2022 but no response was received. To date, the Carport application remains on hold pending submission of applications to renew the three expired permits.

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.

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 6, Section 79, South Salt Spring Island, Cowichan District, Plan 35674, PID 000-010-090 or any subdivision of said lands as may be affected by the contravention(s).

Alternative 2

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

IMPLICATIONS

Financial

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

Legal

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

CONCLUSION

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

RECOMMENDATION

That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 6, Section 79, South Salt Spring Island, Cowichan District, Plan 35674, PID 000-010-090 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

Apr 1, 2022	Building permit application received for the construction of an Accessory Building – Carport.
Apr 26, 2022	Site visit conducted by the Building Inspector. Subsequent permit record review determined that there were expired permits for construction on the property, including: a) SS11-125 for an Accessory Building – Two-Storey Workshop b) SS11-144 for a Pool Deck c) SS13-134 for a Yurt with Deck now occupied as a dwelling without permits or approvals.
May 4, 2022	Letter sent to the owners by registered mail advised that, in order to continue processing the application received April 1, 2022, permit applications were required for the three expired permits by June 30, 2022.
Aug 30, 2022	Email sent to Islands Trust asked if permit review applications were in progress for the Workshop and Yurt with Deck.
Aug 31, 2022	Email from Islands Trust advised that no applications had been received.
Sep 9, 2022	Letter sent to the owners by registered mail referenced the letter of May 4, 2022 advised that the application received April 1, 2022 was on hold pending submission of applications to renew and complete the three expired permits. Since no response was received, the next step would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed letter was delivered.
Oct 6, 2022	The Building Inspector recommended registration of a notice on title.
Oct 27, 2022	The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jan 6, 2023	Building permit application for Accessory Building – Carport expired.
Jan 10, 2023	Building Inspector conducted a site visit. Photos were taken.
Jan 19, 2023	The Chief Building Inspector had a phone conversation with the owner and discussed the expired permits and the Notice on Title proposal. He indicated his intentions to apply for the needed permits. However, in discussion he mentioned he felt the work needed to complete the yurt would be very difficult if not impossible.

Appendix B

Photos:

Jan 10, 2023

Two Story Shop



Pool with Deck



Yurt with Deck





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 8, 2023

SUBJECT **File Notice on the Land Title of 109 Spring Gold Way, Lot 1, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304, File NT000376**

ISSUE SUMMARY

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

BACKGROUND

Since October 5, 2021, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Following up on a public complaint, a site visit was conducted on October 5, 2021. Building infractions were noted for a Single Family Dwelling (SFD) and re-purposed refrigeration trailer built without permits or approvals. The Building Inspector spoke with the owner and encouraged him them to apply for a building permit. Letters were sent October 6 and November 5, 2021 and March 2, 2022. No response was received from the owners and a Stop Work Notice was posted April 27, 2022. A change of ownership was noted and a letter sent May 18, 2022 advised the new owners of the outstanding issues. A Stop Work Notice and Do Not Occupy Notice were posted to notify the new owners May 24, 2022 and another letter was sent July 8, 2022. To date, no building permit applications have been received for either structure.

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.

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, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304 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 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History
Appendix B: Photos

Appendix A

History:

Jun 23, 2021	Public complaint received for “construction without a permit”.
Oct 5, 2021	Site visit conducted by the Building Inspector. Photos taken. The Building Inspector spoke with the owner and encouraged them to apply for a building permit and did not post a Stop Work Order at that time, but noted two building infractions: a) Construction of a Single Family Dwelling (SFD) with woodstove without the benefit of approvals or building permits. b) Alteration and Addition to Convert a refrigeration trailer to a SFD (refrigeration trailer) without the benefit of approvals or building permits. The Building Inspector advised the tenant and property owner to submit applications for construction of the SFD and installation of the woodstove along with Islands Trust approval. Once submitted, the next priority would be for the owner to submit application along with Islands Trust approval for the refrigeration trailer.
Oct 6, 2021	Letter sent to the owner by registered mail referenced the site visit on October 5, 2021 and the two building infractions required a building permit application be submitted for the SFD and woodstove by November 17, 2021 including Islands Trust review and approval. Once submitted, a building permit application would be required for the refrigeration trailer.
Nov 4, 2021	Letter unclaimed and returned.
Nov 5, 2021	Letter resent. Submission deadline revised to December 17, 2021.
Nov 10, 2021	Letter returned. Canada Post refused delivery as their records indicated there had been no building permit application, therefore no civic address had been assigned in their system.
Dec 30, 2021	Email sent to Islands Trust asked if a permit plan review was in progress.
Jan 4, 2022	Email from Islands Trust advised that no application had been received.
Mar 2, 2022	Letter hand-delivered to the owner referenced the letter of November 5, 2021 and on-site conversations and requested a meeting be scheduled and proof of correspondence with Islands Trust be provided by April 6, 2022 regarding the unpermitted structures.
Apr 4, 2022	Change of ownership. Building Inspection not notified.
Apr 14, 2022	Infraction referred to Island Health by email regarding sewerage disposal.
Apr 21, 2022	Infraction referred to CRD Bylaw Enforcement for construction of SFD without a permit and conversion of refrigeration trailer to an SFD. Also referred to Islands Trust Bylaw Enforcement by email regarding land use.

	Response from CRD Bylaw Enforcement advised the six-month timeframe to respond and seek compliance had passed.
Apr 27, 2022	Stop Work Notice posted for construction and habitation of the SFD without permits or approvals, as well as a woodstove installed without permits. Photos taken.
May 4, 2022	Response from Islands Trust Bylaw Enforcement advised a file was open.
May 13, 2022	Building Inspection became aware that a change of ownership had taken place.
May 18, 2022	Letter hand-delivered to the new owners referenced the site visit on April 27, 2022 and the letters of October 6 and November 5, 2021 and March 2, 2022 delivered to the previous owner, and the requirement that a building permit application for the SFD and refrigeration trailer with Islands Trust approvals be submitted by June 18, 2022.
May 20, 2022	Stop Work Notice referred to CRD Bylaw Enforcement and Islands Trust Bylaw Enforcement by email to advise them of the infractions for construction of SFD without a permit and conversion of refrigeration trailer to an SFD.
May 24, 2022	Stop Work Notice and Do Not Occupy Notice posted on SFD. Photo taken.
Jun 30, 2022	Email sent to Islands Trust asked if permit review applications were in progress for the two structures.
	Email from Islands Trust advised they had not received an application and a bylaw enforcement file was open for this property. The email noted that if the property exceeds the permitted density a building permit review would not be sufficient to bring the property into compliance with Islands Trust bylaws without removing one of the buildings.
Jul 8, 2022	Letter sent by courier to the new owners referenced the letter of May 18, 2022 and advised that as no applications had been received the next step would be to register a notice on title and then refer the file for further action. Delivery confirmed by courier on July 20, 2022.
Oct 13, 2022	The Building Inspector recommended registration of a notice on title.
Oct 27, 2022	The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
Jan 17, 2023	The Chief Building Inspector attempted to contact the owner by phone, a voice message was left. An email was not sent as the owner has not corresponded and no address was provided.

Appendix B

Photos:

October 5, 2021

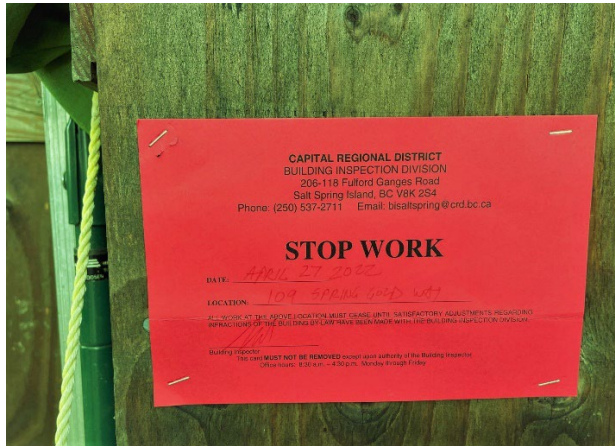


Single Family Dwelling



Repurposed Refrigeration Trailer

April 27, 2022



May 24, 2022

