



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, May 10, 2023

11:00 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. [23-341](#) Minutes of the Hearing Session of the February 8, 2023 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of February 8, 2023 be adopted as circulated.

Attachments: [Minutes - February 8, 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 [3]****- Southern Gulf Islands [2]**

- 6.1.** [23-307](#) File Notice on the Land Title of 116 Fairway Drive, Lot 6, Section 13, Range 1 East, North Salt Spring Island, Cowichan District, Plan 12040, PID 004-956-711, File NT000375
- 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 13, Range 1 East, North Salt Spring Island, Cowichan District, Plan 12040, PID 004-956-711 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:** [Staff Report: Notice on Title - 116 Fairway Drive; SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)
- 6.2.** [23-308](#) 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.** [23-309](#) File Notice on the Land Title of 270 Salt Spring Way, Lot B, Section 15, Range 5 East, North Salt Spring Island, Cowichan District, Plan 39138, PID 000-971-499, File NT000378
- 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 B, Section 15, Range 5 East, North Salt Spring Island, Cowichan District, Plan 39138, PID 000-971-499 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:** [Staff Report: Notice on Title - 270 Salt Spring Way, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.4. [23-310](#) File Notice on the Land Title of 1128 Montague Road, Lot 1, District Lot 12, Galiano Island, Cowichan District, Plan VIP63916, PID 023-531-975, File NT000384

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 12, Galiano Island, Cowichan District, Plan VIP63916, PID 023-531-975 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 1128 Montague Road, SGI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.5. [23-311](#) 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, February 8, 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)
(10:05 am)

Staff: T. Robbins, Chief Administrative Officer; I. Jesney, Acting General Manager, Integrated Water Services; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; K. Campbell, Senior Manager, Salt Spring Island Administration; S. Carey, Senior Manager of Legal 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)

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 Wickheim, **SECONDED** by Director Holman,
**That the agenda for the Hearing Session of the February 8, 2023 Electoral Areas
Committee meeting be approved.**
CARRIED

4. Adoption of Minutes

- 4.1. [23-135](#) Minutes of the Hearing Session of the January 11, 2023 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 January 11, 2023 be adopted as circulated.
CARRIED**

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

S. Grzybowski spoke to Item 6.1. He stated that he would like to address the outstanding issues on his property in order to avoid a notice 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

M. Taylor spoke to Item 6.1.

Discussion ensued on the status of the yurt on the property.

**MOVED by Director Holman, SECONDED by Director Wickheim,
That this item be deferred for two months in order to allow the property owner
time to bring the property into compliance.
CARRIED**

- 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

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, 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).
CARRIED**

7. Adjournment

**MOVED by Director Wickheim, SECONDED by Director Plant,
That the Hearing Session of the February 8, 2023 Electoral Areas Committee
meeting be adjourned at 10:16 am.
CARRIED**

CHAIR

RECORDER



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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, MAY 10, 2023**

SUBJECT **File Notice on the Land Title of 116 Fairway Drive, Lot 6, Section 13, Range 1 East, North Salt Spring Island, Cowichan District, Plan 12040, PID 004-956-711, File NT000375**

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 12, 2022, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A building infraction was noted on July 12, 2022 for the move-in, additions and alterations to a mobile home without a permit. Letters were sent on July 13 and September 9, 2022; however, a building permit application was not received. A Do Not Occupy Notice was posted on November 24, 2022. To date, a building permit application has not been received.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.3 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.

4.1.2 Do Not Occupy

Where a person occupies a building or structure or part of a building or structure in contravention of Section 3.1.3 of this Bylaw a building official may post a Do Not Occupy Notice on the affected part of the building or structure.

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 6, Section 13, Range 1 East, North Salt Spring Island, Cowichan District, Plan 12040, PID 004-956-711 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 13, Range 1 East, North Salt Spring Island, Cowichan District, Plan 12040, PID 004-956-711 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 1, 2022 While working nearby the Building Inspector observed new construction without a permit. Upon return to the office a review of 2017 and 2021 IntraMap satellite images revealed construction, possibly of a second single family dwelling, without permits. Photos attached.
- Jul 12, 2022 Site visit conducted by the Building Inspector. Building infraction noted for the move-in, additions and alterations to a mobile home without the benefit of a building permit. Photos taken.
- Jul 13, 2022 Letter sent to the owner by registered mail referenced the site visit on July 12, 2022 and required that a building permit application, with Islands Trust approval, be submitted by August 24, 2022. Canada Post tracking confirmed letter was delivered.
- Aug 5, 2022 Infraction referred to Islands Trust by email.
- Aug 10, 2022 Receipt of email acknowledged by Islands Trust.
- Aug 30, 2022 Email sent to Islands Trust asked if a permit review application was in progress. Email from Islands Trust advised that no application had been received.
- Sep 9, 2022 Letter sent to the owner by registered mail referenced the letter of July 13, 2022 and 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. Canada Post tracking confirmed letter was delivered.
- Oct 6, 2022 Email sent to Islands Trust asked if a permit review application was in progress. Email from Islands Trust advised that no application had been received. 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.
- Nov 24, 2022 Owner's father had previously been verbally abusive, so a joint site visit was conducted by the Building Inspector and an Islands Trust Bylaw Officer. Do Not Occupy Notice posted. Photos taken.
- Nov 25, 2022 Letter received from the owner in response to July 13, 2022 letter. Owner stated the "mobile park trailer" is not a mobile home and is permitted on the property and included a photo of the "park model trailer" serial number. The owner did not provide a phone number or email address for contacting them.

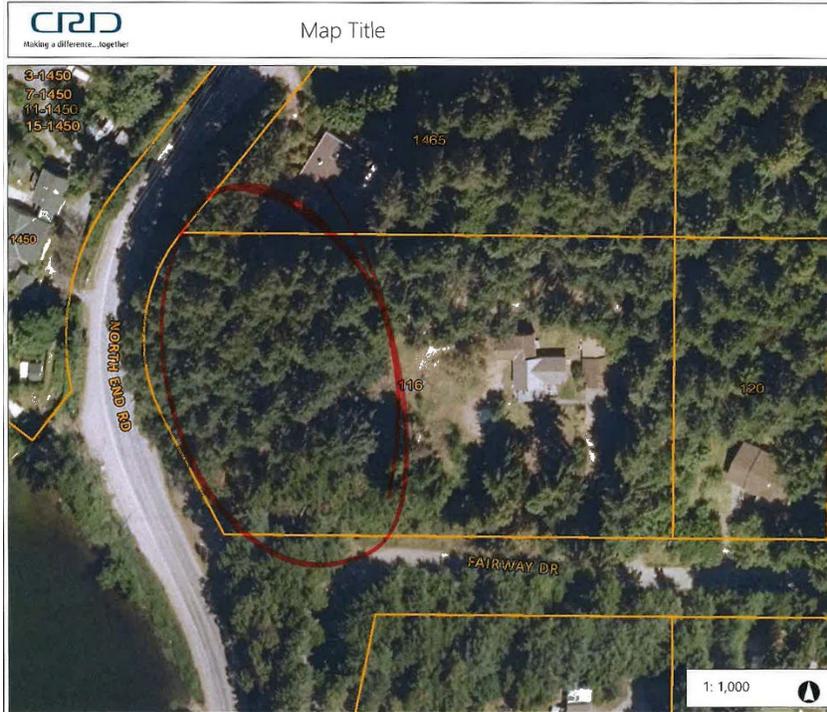
- Nov 30, 2022 Internal discussions confirmed the letter received November 25, 2022 did not resolve the building infractions. As the owner has not applied for a building permit, no phone number or email address were available, and attempts to locate the owner by other means were unsuccessful. As the owner's father (who lives on the property) has been verbally aggressive during previous site visits, it was determined that a registered letter be sent to the owner.
- Jan 6, 2023 Letter sent to the owner by registered mail referenced the letters of July 13 and September 9, 2022 and advised that the building infractions had not been resolved by the letter received November 25, 2022 and that the next step would be to register a notice on title and then refer the file for further action. Letter returned "unclaimed" despite all previous letters being delivered. A phone number and email address could not be located to follow up with owner.
- Mar 16, 2023 To date, the owner has not taken any steps toward compliance.

Appendix B

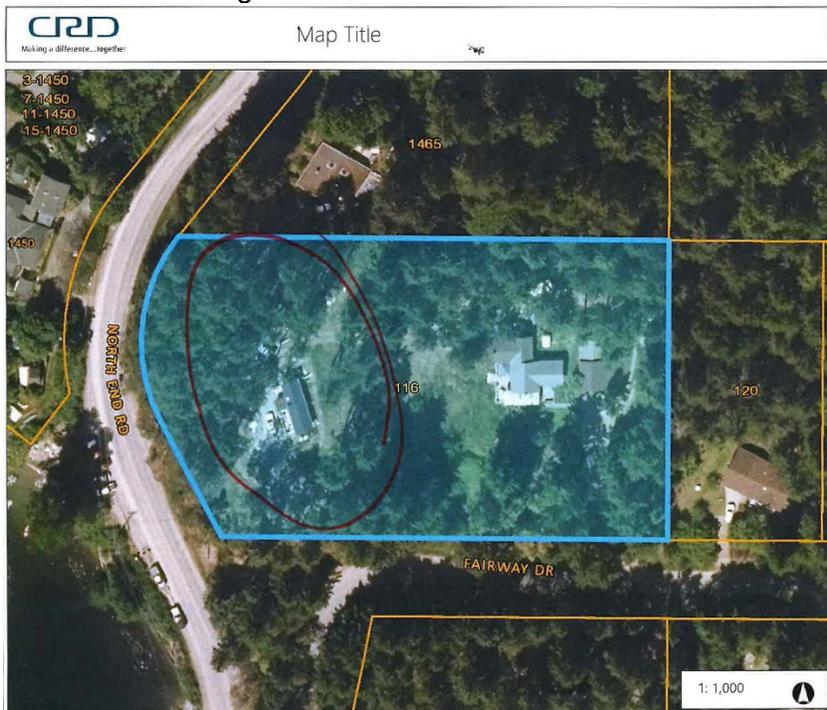
Photos:

June 1, 2022

2017 Satellite Image:



2021 Satellite Image:



July 12, 2022



November 24, 2022







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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, MAY 10, 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.

The Electoral Areas Committee (EAC) deferred for two months the decision for a notice on title October 12, 2022 to provide the owners time to reach compliance. A second deferral for two months was granted by the EAC January 11, 2023. To date a building permit application has not 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.
- Jun 29, 2016 Site visit conducted by Building Inspector. Deck exceeds 10m². 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 owners by registered mail referenced 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 owners by registered mail referenced 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 owners requesting a return call to discuss the owner's intentions.
- Sep 27, 2022 Registered invitation letter and staff report sent to the owners. Canada Post tracking confirmed letter was available for pick up in the destination country (out of country delivery).
- Oct 12, 2022 EAC deferred this item for two months to allow the property owners time to submit a permit application.

- Oct 25, 2022 Letter sent to the owners by registered mail referenced the letter of September 27, 2022 advised that a decision for a notice on title was 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 owners inquiring of recent actions and intentions.
- Dec 22, 2022 Registered invitation letter and staff report sent to the owners. Canada Post confirmed the letter was available for pickup.
Invitation letter and staff report also sent to the owners by email to ensure it was received.
- Jan 11, 2023 Email received from the owners in response to the December 22, 2022 email stating intention to remove the deck.
EAC deferred this item for two months to allow the property owners time to rectify the issue and advised that this would be the last deferral.
- Jan 13, 2023 Letter sent to the owners by registered mail advised that a decision for notice on title was deferred for two months. Failure to comply would result in a third staff report being presented to the EAC recommending registration of a notice on title. Canada Post tracking confirmed the letter was available for pickup.
Letter also sent to the owners by email to ensure it was received.
- Mar 13, 2023 Two-month deadline for compliance. To date, the owners have not contacted the Building Inspection office to discuss outstanding issues and a building permit application has not been received.
- Mar 29, 2023 Site visit conducted by Building Inspector. A photo was taken.
- Apr 4, 2023 The Chief Building Inspector phoned the owner and received a return phone message that personal matters have arisen that have affected their ability to ensure the needed work will be done.

Appendix B

Photos:

Mar 29, 2023





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, MAY 10, 2023**

SUBJECT **File Notice on the Land Title of 270 Salt Spring Way, Lot B, Section 15, Range 5 East, North Salt Spring Island, Cowichan District, Plan 39138, PID 000-971-499, File NT000378**

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 12, 2022, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

Following an email received from North Salt Spring Waterworks District on April 12, 2022 inquiring about building permits for a Single Family Dwelling with multiple suites, the Building Inspector examined possible building infractions including a change of occupancy from a Single to Multi-Family Dwelling and the construction of several suites without permits. A registered letter was sent to the owners on April 21, 2022 and a site visit was conducted on May 3, 2022. A second registered letter was sent to the owners on June 7, 2022. To date, the building permit application has not been submitted and Islands Trust approvals have not been granted.

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 B, Section 15, Range 5 East, North Salt Spring Island, Cowichan District, Plan 39138, PID 000-971-499 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 B, Section 15, Range 5 East, North Salt Spring Island, Cowichan District, Plan 39138, PID 000-971-499 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 12, 2022 Email received from North Salt Spring Waterworks District (NSSWD) regarding three separate kitchens and three separate suites in a real estate listing for the property and inquired if the CRD had received a building permit application. NSSWD advised Building Inspection that they did not receive a request for water approval for the suites.
- Apr 14, 2022 Building Inspection responded to NSSWD and advised that no building permits had been issued for this construction or a change of occupancy from Single Family Dwelling (SFD) to Multi-Family Dwelling (MFD).
- Apr 21, 2022 Letter sent to three owners by registered mail advised that a building infraction referral had been received for the Alteration and Change of Occupancy of a SFD without the benefit of approvals or a building permit. And that a site visit was required by May 5, 2022 to determine building permit application requirements and requested they contact Building Inspection to schedule the inspection. Canada Post tracking confirmed letters were delivered.
- May 3, 2022 Site visit conducted by Building Inspector. Photos taken.
- Jun 2, 2022 Email sent to Islands Trust asked if permit review applications were in progress for the as-built alterations to the SFD and secondary suites. Islands Trust responded by email and advised that no application had been received.
- Jun 7, 2022 Letter sent to three owners by registered mail referenced the letter of April 21, 2022 and site visit on May 3, 2022 advised that as a building permit application had not been received, the next step would be to register a notice on title and then refer the file for further action. Canada Post tracking confirmed letters were delivered.
- Jun 20, 2022 Email received from two of the owners acknowledged receipt of Jun 7, 2022 letter. Owners advised they had been in contact with Islands Trust and requested additional time to review documents they received June 10, 2022 from the CRD through a Freedom of Information request.
- Jun 21, 2022 Email response sent to the two owners advised that further action would be extended to July 15, 2022. The two owners responded via email and requested extension until the end of July, which was granted.
- Aug 4, 2022 Email sent to Islands Trust asked if permit review application was in progress for the as-built alterations to the SFD and secondary suites. Islands Trust responded by email and advised that no application had been received.
- Aug 5, 2022 Email received from two of the owners advised that following some delays they were preparing paperwork for Islands Trust. An email sent to the owner advised Building Inspection will update the file and await further progress.

- Aug 26, 2022 Email sent to Islands Trust asked if a permit review application had been submitted. Islands Trust responded by email and advised that no application had been received.
- Email was sent to the two owners requesting an update.
- The two owners responded via email and advised they planned to submit an application to Islands Trust the following week.
- Sep 29, 2022 Email sent to Islands Trust asked if permit review application had been submitted.
- Oct 3, 2022 Islands Trust responded by email and advised that no application had been received.
- Oct 4, 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.
- Mar 15, 2023 Voicemails left with three owners advised of a notice on title recommendation and requested a return call by March 17, 2023 to discuss outstanding issues and steps for compliance.
- Mar 17, 2023 Follow-up email sent to two of the owners requested an update on any progress toward permit. Advised to respond by March 24, 2023.
- No email sent to third owner as no email address on file as they have not responded to registered letters and have not applied for a building permit.
- Mar 27, 2023 To date, no response has been received from any of the owners.
- Apr 4, 2023 The Chief Building Inspector attempted to contact the owners by phone but was unable to connect and unable to leave a voicemail.

Appendix B

Photos:

May 3, 2022

Main Floor SFD



Upper Level SFD & Suite 1 – Bedrooms/Bathrooms



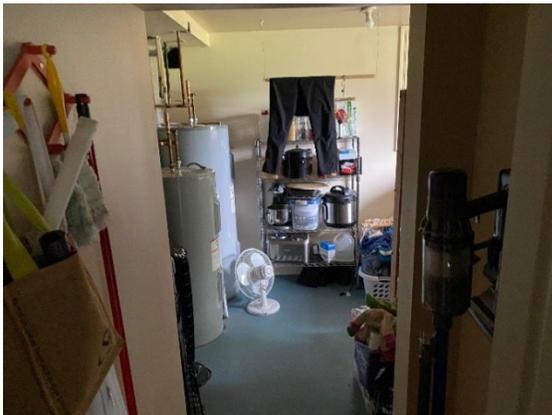
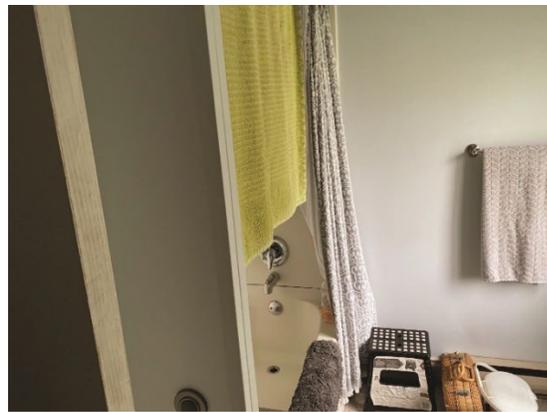
Main Floor Suite 1 – Second Kitchen



Lower Level Suite 2 – Third Kitchen



Lower Level – Utilities/Bathroom





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, MAY 10, 2023**

SUBJECT **File Notice on the Land Title of 1128 Montague Road, Lot 1, District Lot 12, Galiano Island, Cowichan District, Plan VIP63916, PID 023-531-975, File NT000384**

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 14, 2021, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Numerous public complaints have been received by the CRD alleging uses and operations in violation of a covenant and bylaws. Meetings were held on-site and in-office with the owner to discuss the issues and options for resolution. Following a phone call on March 23, 2023, the owner advised that, while aware of the outstanding issues they are not prepared at this time to seek approval for existing buildings and non-compliant occupancies.

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.

3.1.3 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 12, Galiano Island, Cowichan District, Plan VIP63916, PID 023-531-975 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 12, Galiano Island, Cowichan District, Plan VIP63916, PID 023-531-975 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:

- Apr 6, 1998 Permit GW98-086 (Forestry Accessory Building) issued. Permit lapsed.
- Jul 14, 2021 Letter sent to the owner by registered mail advising that numerous complaints had been received by the CRD and the Ministry of Transportation and Infrastructure (MoTI) alleging uses and operations on the property that were not in compliance with Covenant EK94049, CRD Bylaws or the Islands Trust (IT) Development Permit Area requirements and Land Use Bylaw. In order to assess these claims, a site visit was requested for July 19, 2021 with staff from CRD, IT and MoTI. Canada Post tracking confirmed letter was delivered. Letter also sent to two email addresses registered to the owner.
- Jul 19, 2021 Site visit conducted. Photos taken.
- Sep 14, 2021 Letter sent to the owner by registered mail referencing the site visit of July 19, 2021 and advising that it was determined multiple buildings had been constructed, and possibly occupied, without the necessary building and occupancy permits from the CRD. In addition, a building permit issued for a larger industrial permit (GW98-086) had yet to receive final approval. Inclusive of building permit needs was the verification that all buildings were entirely outside the covenant area. Furthermore, in addition to the construction of buildings, other activities, including soil and vegetation removal, were taking place within the covenant area. The CRD had not authorized any activities. Owner advised that all construction and occupancy of buildings must cease until the necessary permits and approvals were received. In addition, the owner was required to demonstrate, via a BC Land Surveyor's siting certificate, that each of the buildings was located outside the covenant area, unless otherwise authorized by the CRD or MoTI. Owner was required to advise the CRD of their intentions with respect to the matters of non-compliance within 30 days of the date of the letter. Canada Post tracking confirmed letter was delivered. Letter also sent to two email addresses registered to the owner.
- Oct 27, 2021 Meeting at CRD offices with the owner, Chief Building Inspector, and Senior Manager of Protective Services to discuss the outstanding issues and steps required for compliance. Owner confirmed occupancy of several buildings without permits or approvals. Determined the next steps were to have the owner provide a proper survey to verify covenant lines with respect to buildings and areas under use, as well as permits and approvals for the industrial building.
- Mar 23, 2023 Phone discussion with the owner, who is not prepared at this time to seek approval for existing buildings from IT or CRD and would have no objection to a notice on title if approved.
- Mar 24, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Appendix B

Photos:

July 19, 2021

Small Dwelling Unit, Lower Level of Site



Trailers and Small Shed, Lower Level of Site



Accessory Building, Lower Level of Site



Dwelling Units, Upper Level of Site



Dwelling Unit



Accessory/Industrial Building



Other Construction





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, MAY 10, 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 Electoral Areas Committee (EAC) deferred the decision for a notice on title April 13, 2022, October 12, 2022 and January 11, 2023 to provide the owner time to rectify the issues. Numerous attempts have been made to contact the owner, however, to date a building permit application has not been received.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

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 be met 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 for SFD and BP000171 for storage building 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 letter 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 referenced March 30, 2022 letter and April 13, 2022 EAC meeting advised that compliance was required prior to July 13, 2022. Canada Post tracking confirmed letter 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 voicemail 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 September 19, 2022 EAC. Canada Post tracking confirmed letter was delivered.
- Sep 13, 2022 September 19, 2022 EAC meeting cancelled. Registered letter and email sent to the owner advised 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 letter was delivered.
- Oct 12, 2022 EAC deferred this item for 60 days.
- Oct 25, 2022 Letter sent to the owner by registered mail referenced 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.

- Dec 22, 2022 Registered invitation letter and staff report sent to the owner. Canada Post tracking confirmed letter was delivered.
- Jan 10, 2023 The Chief Building Inspector called the owner, but their voicemail inbox was full and he was unable to leave a message. The Chief Building Inspector then sent an email to the owner inquiring of any recent actions or intentions.
The owner responded with an email explaining their point of view and requested the email be presented to the EAC.
- Jan 11, 2023 EAC deferred this item for 60 days to allow the property owner time to rectify the issue.
The Chief Building inspector sent an email to the owner advising that the EAC deferred the item for 60 days and requested a call or meeting to discuss the expired permits and the owner's concerns.
- Jan 13, 2023 Letter sent to the owner by registered mail advised that a decision for a notice on title was deferred for 60 days and requested the owner contact the office to discuss options for compliance prior to March 13, 2023. Failure to comply would result in a second staff report being presented to the EAC recommending registration of a notice on title. Canada Post tracking confirmed letter was delivered.
- Mar 28, 2023 To date, the owner has not contacted the Building Inspection office to discuss outstanding issues and options for compliance.
- Mar 29, 2023 The Chief Building Inspector called the owner, but their voicemail inbox was full and he was unable to leave a message. The Chief Building Inspector then sent an email to the owner requesting they contact him to discuss their intentions to address the outstanding building permits.
- Apr 4, 2023 The Chief Building Inspector attempted to contact the owner by phone but unable to reach owner and voice mailbox is full.

Appendix B

Photos:

January 15, 2015



February 19, 2015



December 17, 2019



March 2, 2021

