



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, June 14, 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. [23-403](#) Minutes of the Hearing Session of the May 10, 2023 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of May 10, 2023 be adopted as circulated.

Attachments: [Minutes - May 10, 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 [4]

- 6.1. [23-371](#) File Notice on the Land Title of 217 Frazier Road, Lot 3, Section 85, South Salt Spring Island, Cowichan District, Plan 38998, PID 000-139-173, File NT000364
- 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 3, Section 85, South Salt Spring Island, Cowichan District, Plan 38998, PID 000-139-173 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:** [Staff Report: Notice on Title - 217 Frazier Road, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)
- 6.2. [23-375](#) File Notice on the Land Title of 281 Woodland Drive, Lot 4, Block 5, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 13212, Except Parcel A (DD 397078I), PID 004-734-653, File NT000388
- 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 4, Block 5, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 13212, Except Parcel A (DD 397078I), PID 004-734-653 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:** [Staff Report: 281 Woodland Drive, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)
- 6.3. [23-376](#) File Notice on the Land Title of 161 Fulford-Ganges Road, Lot A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, Plan 42661, PID 001-992-708, File NT000387
- 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 A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, Plan 42661, PID 001-992-708 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:** [Staff Report: 161 Fulford-Ganges Road, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

- 6.4. [23-377](#) File Notice on the Land Title of 201 Suneagle Drive, Lot 26, District Lot 19, North Salt Spring Island, Cowichan District, Plan 38999, PID 000-015-911, File NT000390

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 26, District Lot 19, North Salt Spring Island, Cowichan District, Plan 38999, PID 000-015-911 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: 201 Suneagle Drive, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, May 10, 2023

11:00 AM

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

Hearing Session

PRESENT

Directors: P. Brent (Chair), G. Holman (Vice Chair), A. Wickheim

Staff: 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; K. Campbell, Senior Manager, Salt Spring Island Administration; 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)

Regrets: Director: C. Plant

The meeting was called to order at 11:02 am.

1. Territorial Acknowledgement

Director Wickheim 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 May 10, 2023 Electoral Areas
Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [23-341](#) Minutes of the Hearing Session of the February 8, 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 February 8, 2023 be adopted as circulated.

CARRIED

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

There were no comments from 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 [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

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: 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).

CARRIED

- 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

M. Taylor spoke to Item 6.2.

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: 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).

CARRIED

- 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

M. Taylor spoke to Item 6.3.

**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 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).**

CARRIED

- 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

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: 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).**

CARRIED

- 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

M. Taylor spoke to Item 6.5.

**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: 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).**

CARRIED

7. Adjournment

**MOVED by Director Wickheim, SECONDED by Director Holman,
That the Hearing Session of the May 10, 2023 Electoral Areas Committee meeting be adjourned at 11:14 am.**

CARRIED

CHAIR

RECORDER



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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 14, 2023

SUBJECT **File Notice on the Land Title of 217 Frazier Road, Lot 3, Section 85, South Salt Spring Island, Cowichan District, Plan 38998, PID 000-139-173, File NT000364**

ISSUE SUMMARY

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

BACKGROUND

Since March 12, 2021, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A Stop Work Notice and Do Not Occupy were posted March 12, 2021 on a Tiny Home on site with Addition and Deck added without a building permit during a joint site visit with Bylaw Enforcement. Registered letters sent to the owner advised that permits and approvals were required.

Building Inspection was not notified of a change of ownership on May 16, 2022. Upon discovering the transfer of title, a registered letter sent to the new owner advised them of the violation and provided directions for next steps.

A phone call received from a prospective buyer on April 19, 2023 indicated the property was for sale again. 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.

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 3, Section 85, South Salt Spring Island, Cowichan District, Plan 38998, PID 000-139-173 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 3, Section 85, South Salt Spring Island, Cowichan District, Plan 38998, PID 000-139-173 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:

- Nov 18, 1992 Bylaw contravention notice registered on title. Infractions included construction of two Single Family Dwellings without approvals or permits. Subsequent permits issued for construction of two Accessory Buildings lapsed. Notice on title remained in effect.
- Aug 14, 2015 Title transferred to current owner.
- Feb 17, 2021 Call received from CRD Bylaw Enforcement requested a joint site visit to examine a tiny home with an addition and deck.
- Mar 12, 2021 Site visit conducted by Building Inspector and Bylaw Enforcement Officer. Stop Work Notice posted for a Tiny Home on site with Addition and Deck added without a building permit. Photos taken. Do Not Occupy also posted.
- Mar 17, 2021 Letter sent to the owner by registered mail referenced the Stop Work Notice of March 12, 2021 and advised a building permit application was required by April 30, 2021. Canada Post tracking confirmed the owner had moved.
- Apr 8, 2021 Letter sent to the owner by registered mail to an alternative address referenced the undelivered letter of March 17, 2021 and repeated the information contained in that letter. Deadline for submission extended to May 21, 2021. Canada Post tracking confirmed letter was delivered.
- Jun 9, 2021 Phone call with Islands Trust. No permit application review was received.
- Oct 15, 2021 Letter sent to the owner by registered mail referenced the letters of March 17 and April 8, 2021 and advised 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 27, 2021 Building Inspector recommended registration of a notice on title.
- May 16, 2022 Change of ownership. Building Inspection Division not notified.
- Jun 27, 2022 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 6, 2022 Phone call with Islands Trust. No permit application review was received.
- Jul 6, 2022 Change of ownership discovered by title search.
- Jul 18, 2022 Letter sent to the owner by registered mail enclosed the letters of March 17, April 8, and October 15, 2021 and advised the next step would be to register a notice on title and then refer the file for further action if the Building Inspection Division was not contacted by August 18, 2022 to discuss the issues.

Sep 27, 2022 Letter returned unclaimed.

As the owner has not applied for a building permit, no phone number or email were available to contact them and attempts to locate the owner by other means were unsuccessful.

Apr 19, 2023 Phone call received from a prospective buyer regarding permit records. Property listing states, "Accommodation is by way of a cozy tiny home with a built on living room and woodstove and 200 sq. ft. deck".

Apr 27, 2023 As of this date, the property listing is no longer available.

Appendix B

Photos:

March 12, 2021





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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JUNE 14, 2023**

SUBJECT **File Notice on the Land Title of 281 Woodland Drive, Lot 4, Block 5, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 13212, Except Parcel A (DD 397078I), PID 004-734-653, File NT000388**

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 owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Inquiry received April 12, 2022 regarding a cabin with kitchen. Permit history review determined this was completed without permits or approvals. A registered letter sent to the owner advised them of the violation and requested a site visit to determine options. A site visit was conducted May 4, 2022 and a second registered letter was sent outlining options for compliance.

A change of ownership occurred May 20, 2022, but the Building Inspection Division was not notified until June 16, 2022. A registered letter sent to the new owner summarized the violation and reiterated the options for compliance. When the deadline passed, another registered letter was sent to the owner to advise the next step would be to register a notice on title.

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.

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 4, Block 5, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 13212, Except Parcel A (DD 397078I), PID 004-734-653 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 4, Block 5, Section 7, Range 1 West, North Salt Spring Island, Cowichan District, Plan 13212, Except Parcel A (DD 397078I), PID 004-734-653 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 12, 2022 Email received from North Salt Spring Waterworks District (NSSWD) inquired if a permit had been issued for a cabin with a kitchen.
- Apr 14, 2022 Email sent to NSSWD advised that these alterations were completed without permits or approvals.
- Apr 21, 2022 Letter sent to the owner by registered mail advised that a referral for a building infraction was received for the Alteration and Change of Occupancy of an Accessory Building to a Single Family Dwelling – Cabin and requested a site inspection, with interior access, by May 5, 2022 to determine building permit application requirements. Canada Post tracking confirmed letter was delivered.
- May 4, 2022 Site visit conducted by Building Inspector. Photos taken.
- May 20, 2022 Change of ownership. Building Inspection Division was not notified.
- Jun 3, 2022 Email sent to Islands Trust enquired if a permit review application was received.
- Jun 6, 2022 Email received from Islands Trust advised an application was not received.
- Letter sent to the original owner by registered mail referenced the letter of April 21, 2022 and advised 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.
- Jun 16, 2022 Building Inspection Division notified by previous owner of change in ownership.
- Jun 30, 2022 Letter sent to the new owner by registered mail referenced the building infraction referral of Apr 14, 2022, the letters of April 21, 2022 and June 6, 2022 to the previous owner, and the site visit of May 4, 2022 and advised compliance was required by August 12, 2022. Options for compliance included a building permit application with Islands Trust approval for the Alteration and Change of Occupancy of an Accessory Building to a Single Family Dwelling – Cabin, or a building permit application for Alterations to revert the Occupancy to its approved use as an Accessory Building. Canada Post tracking confirmed letter was delivered.
- Aug 16, 2022 Email sent to Islands Trust enquired if a permit review application was received.
- Email received from Islands Trust advised an application was not received.
- Sep 22, 2022 Letter sent to the owner by registered mail referenced the letter of June 30, 2022 and advised 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 20, 2022 Phone call received from the owner to discuss permit requirements.

- Oct 21, 2022 Phone call returned by Building Inspection Division. Voicemail left with the owner as there was no answer.
- Nov 10, 2022 Email sent to Islands Trust enquired if a permit review application was received.
Email received from Islands Trust advised an application was not received.
- Dec 14, 2022 Building Inspector recommended registration of a notice on title.
- Feb 13, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- May 12, 2023 The Chief Building Inspector contacted the owner by phone but the owner was unable to complete the discussion. Owner will call back when time permits for a complete conversation.

Appendix B

Photos:

May 4, 2022 – Exterior



May 4, 2022 – Interior





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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JUNE 14, 2023

SUBJECT **File Notice on the Land Title of 161 Fulford-Ganges Road, Lot A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, Plan 42661, PID 001-992-708, File NT000387**

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 May 18, 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 permit was issued to repair a commercial building on September 5, 2018. During the Final Inspection, the presence of a bed resulted in a deficiency: "No habitation without permit and final [inspection] for suite." The building permit was subsequently expired and renewed.

The Building Inspection Division was notified on February 28, 2022 that a real estate listing included the unpermitted suite. Letters were sent to the owner and enquiries were made at Islands Trust. Through letters, emails, phone calls, and in-person discussions, the owner and agent were notified the occupancy of the building was not approved by Building Inspection or Islands Trust. Options for compliance included completing the construction as per the approved plans or applying to Islands Trust for re-review to establish the current as-built state of the building. Neither option was pursued by the owner, and the building permit renewal subsequently expired. On December 1, 2022, the unpermitted suite appeared in another real estate listing.

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.

3.1.5 Approved Plans

No person shall do any work that is substantially at variance with the approved design, plans or specifications of a building, structure or other works for which a Permit has been issued, unless that variance has been accepted in writing by a building official.

3.1.8 Work Contrary to Requirements

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

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, Plan 42661, PID 001-992-708 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 A, Section 1, Range 4 East, North Salt Spring Island, Cowichan District, Plan 42661, PID 001-992-708 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:

- Sep 5, 2018 Building permit BP004206 issued to repair a commercial building.
- Jul 26, 2019 Deficiencies for Final Inspection included removal of bed. Note from Building Inspector stated: "No habitation without permit and final for suite."
- Aug 13, 2020 BP004206 expired, then renewed for one year as BP006585.
- Aug 13, 2021 BP006585 expired.
- Aug 24, 2021 Courtesy Final Inspection carried out for BP006585. Inspection failed. Notice attached.
- Sep 17, 2021 BP006585 granted final one-year renewal as BP007725.
- Feb 3, 2022 New agent assigned by the owner.
- Feb 28, 2022 Building Inspection division notified of a real estate listing for an unpermitted upstairs suite. Photos attached.
- May 18, 2022 Letter sent to the owner by registered mail advised that the Building Inspector was made aware of a Building Code Infraction for the construction of a suite in the commercial building without the benefit of approvals or a revised building permit based on as-built construction. A revised, complete building permit application, including Islands Trust approval for the as-built project, was required by June 17, 2022.
- May 24, 2022 Email sent to North Salt Spring Waterworks District (NSSWD) advised of the infraction.
- Jun 8, 2022 Email sent to Islands Trust enquired if a permit review application was submitted. Email received from Islands Trust advised a permit review was in progress.
- Jul 26, 2022 Email sent to Islands Trust requested an update on the permit review. Email received from Islands Trust advised a Development Permit was required for the work, but the owner had not submitted the necessary revised plans.
- Aug 12, 2022 Letter sent to the owner by registered mail referenced the letter of May 18, 2022 and advised that the building permit would expire on September 20, 2022 and could not be renewed again. A new, complete building permit application, including Islands Trust approval and new as-built building plans, would be required by September 30, 2022, otherwise the next step would be to register a notice on title and then refer the file for further action.

- Aug 19, 2022 Email sent to the owner requested they contact the Building Inspection Division to establish a path forward.
- Email received from the owner advised that the email was forwarded to the agent for the project.
- Email sent to the owner and the agent reiterated that occupancy of the building as a residential suite was not approved by Islands Trust and does not comply to any approved drawings.
- Aug 24, 2022 The agent visited the Building Inspection Division and stated the project was on hold pending further directions from Islands Trust. As this information did not correspond to recent communication from Islands Trust, the agent was referred back to them.
- Sep 16, 2022 The agent visited the Building Inspection Division and spoke with Building Inspector.
- Email sent to the agent reiterated the options discussed at the office: complete the construction as per the approved plans or apply to Islands Trust for a re-review to establish the current as-built state of the building. Then, provide appropriate drawings along with the Islands Trust approval for review of Building Code items and continue with inspections.
- Sep 21, 2022 BP007725 expired.
- Letter sent to the owner by registered mail referenced the letters of May 18 and August 12, 2022 and advised that the building permit was expired and a new application was required.
- Nov 30, 2022 Email sent to Islands Trust enquired if a permit review application was submitted.
- Email received from Islands Trust advised a Development Permit Amendment was in progress.
- Dec 1, 2022 Email received from Islands Trust advised the suite was not included in the Development Permit Amendment.
- Unpermitted upstairs suite included in new real estate listing. Photos attached.
- Building Inspector recommended registration of a bylaw contravention notice.
- Feb 13, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- May 12, 2023 The Chief Building Inspector sent an email to the owner requesting a discussion of intentions regarding this project. The phone number on file for the owner is no longer in service. Contacted the agent who advised they are currently working with Islands Trust. Islands Trust confirmed they are reviewing file for foreshore issues, not involving a residential suite. Spoke again with the agent, the staff report will remain on the schedule for Electoral Areas Committee review until positive steps towards compliance can be demonstrated.

Appendix B

Photos:

Aug 24, 2021

FINAL INSPECTION NOTICE

Address: 161 FULFORD-GANGES RD, SALT SPRING ISLAND **Permit #:** BP006585
Permit Type: B-COMMERCIAL **Inspection Date:** Aug 24, 2021

Description: This permit has been issued for the REACTIVATION TO REPAIR COMMERCIAL BUILDING.

Inspection Status: FAILED

THE BUILDER MUST ENSURE THE FOLLOWING ITEMS ARE COMPLETED

- Final -
 - Substantial work without approved plans
 - Require Approval from VIHA for waste water
 - Require Approval from Island Trust for building, layout and multiple uses including residential suite
 - Require As-built drawings of all buildings on property showing fire separations, uses of rooms etc. including kitchen kiosk on concrete patio near shore required
 - inspection of fire separations will be required to prove out compliance
 - Hot water cylinder - requires seismic strapping
 - balustrade spacing in upper floor suite exceed 100mm
 - ventilation - no sign of ventilation other than heat pump AC. Ventilation checklist required.
 - Require Technical Safety BC Final

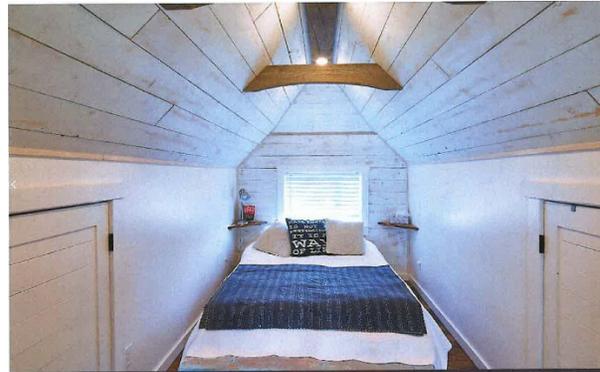
Building Official: TIMO VAHAMAKI

Initials: _____

February 28, 2022



December 1, 2022





Making a difference...together

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JUNE 14, 2023**

SUBJECT **File Notice on the Land Title of 201 Suneagle Drive, Lot 26, District Lot 19, North Salt Spring Island, Cowichan District, Plan 38999, PID 000-015-911, File NT000390**

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 August 18, 2022, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A site visit was conducted August 18, 2022 to investigate two building infractions for work carried out without building permits or planning approval: construction of a Single Family Dwelling and conversion of an Accessory Building to a Single Family Dwelling. Phone calls, emails, and letters were exchanged between the Building Inspection Division, the owner, and a realtor operating on the owner's behalf, but no steps were taken toward compliance.

On November 23, 2022, the Building Inspection Division was advised by the realtor that the owner had passed away but they did not provide Power of Attorney documentation. To date the required documents have not been received from the realtor and building permit applications have not been received for the infractions.

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 26, District Lot 19, North Salt Spring Island, Cowichan District, Plan 38999, PID 000-015-911 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 26, District Lot 19, North Salt Spring Island, Cowichan District, Plan 38999, PID 000-015-911 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:

- Aug 16, 2022 Building Inspector observed possible building infractions, then researched permit history before inspecting the site.
- Aug 18, 2022 Site visit conducted by Building Inspector. Two building infractions for work carried out without building permits or planning approval: construction of a Single Family Dwelling (SFD #1) and conversion of an Accessory Building to a Single Family Dwelling (SFD #2). Photos taken.
- Aug 19, 2022 Phone call received from a realtor indicated they held Power of Attorney for the owner. The clerk advised the realtor that documentation was required before information could be released. The realtor indicated they would forward the appropriate documentation to the Building Inspection Division.
- Aug 26, 2022 Email sent to the realtor requested the Power of Attorney documents be submitted by August 31, 2022.
- Email received from the realtor advised the owner would be dealing with the property.
- Sep 9, 2022 Letter sent to the owner by registered mail referenced the site visit of August 18, 2022 and required building permit applications to remedy the two applications by October 11, 2022.
- Sep 22, 2022 Phone call received from the owner advised they purchased the property in August 2020 and were not aware work on the property was completed without permits.
- Copy of letter emailed to the owner. Deadline extended to December 22, 2022.
- Nov 23, 2022 Phone call received from the realtor advised the owner had passed away. The realtor requested instructions for presenting confirmation that they were named as executor of the estate in the will and to obtain requirements regarding the building infractions on the property. The clerk provided instructions to the realtor.
- Feb 14, 2023 Referrals to BC Housing and Islands Trust Bylaw Enforcement advised of the building infractions and noted the land title had not been transferred.
- Response from BC Housing advised a file had been created for compliance review.
- Apr 4, 2023 Email sent to Islands Trust enquired if a new application was submitted.
- Email received from Islands Trust advised no new application was submitted.

- Apr 5, 2023 Letter sent to the estate of the owner by registered mail referenced the letter of September 9, 2022 and phone call of November 23, 2022 and advised 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 unclaimed.
- May 2, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- May 3, 2023 During a phone call, the realtor advised the will had not yet gone to probate and requested any correspondence regarding the property be sent to them courtesy of the lawyer managing the application.
- May 12, 2023 Phone conversation with lawyer acting on behalf of the deceased owner. The lawyer believes the estate has no plans to seek compliance at this time and will probably put the property up for sale.

Appendix B

Photos:

August 18, 2022

Conversion of Accessory Building to Single Family Dwelling



Construction of Single Family Dwelling

