



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, April 10, 2024

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. [24-313](#) Minutes of the Hearing Session of the August 9, 2023 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of August 9, 2023 be adopted as circulated.

Attachments: [Minutes - August 9, 2023](#)

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

6. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer**- Salt Spring Island [2]****- Juan de Fuca [1]**

- 6.1. [24-330](#) File Notice on the Land Title of 197 Monteith Road, Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034, File NT000402

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 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 197 Monteith Road, SSI](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

- 6.2. [24-331](#) File Notice on the Land Title of 171 Sunnyside Drive, Lot 1, Section 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662, File NT000403

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 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 171 Sunnyside Drive, SSI](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

- 6.3. [24-332](#) File Notice on the Land Title of 1488 Trail Way, Lot 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435, File NT000406

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 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 1488 Trail Way, JdF](#)

[Appendix A: History](#)

[Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, August 9, 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, C. Plant (Board Chair, ex-officio)

Staff: T. Robbins, Chief Administrative Officer; A. Fraser, General Manager, Integrated Water Services; M. Barnes, Acting General Manager, Planning and Protective Services; N. Chan, Chief Financial Officer; K. Morley, General Manager, Corporate Services; S. Carey, Senior Manager, Legal Services; S. Henderson, Senior Manager, Real Estate; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Areas; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; J. Dorman, Committee Clerk (Recorder)

Guests: M. Harcourt, Former Premier of British Columbia; R. Bortolin, Stewart McDannold Stuart, Barristers & Solicitors

The meeting was called to order at 11:02 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 Plant, SECONDED by Director Wickheim,
That the agenda for the Hearing Session of the August 9, 2023 Electoral Areas
Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [23-527](#) Minutes of the Hearing Session of the July 12, 2023 Electoral Areas
Committee Meeting

MOVED by Director Holman, SECONDED by Director Plant,
That the minutes of the Hearing Session of the Electoral Areas Committee
meeting of July 12, 2023 be adopted as circulated.

CARRIED

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

There were no comments by property owners.

**6. Properties to be Considered for Filing Notice against Land Title and Comments by
the Building Inspector or Designated Municipal Officer
- Salt Spring Island [2]**

- 6.1. [23-502](#) File Notice on the Land Title of 190 Reynolds Road, The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274, File NT000392

M. Taylor spoke to Item 6.1.

Discussion ensued on the stop work order and other structures on property.

MOVED by Director Holman, **SECONDED** by Director Plant,
That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274 or any subdivision of said lands as may be affected by the contravention(s).

MOVED by Director Holman, **SECONDED** by Director Plant,
That the main motion be amended to add "2. And that staff report back if there is further action taken on this property."

CARRIED

The question was called on the main motion as amended:

1. That the Corporate Officer file a Notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the Community Charter relating to land legally described as: The North West 1/4 of Section 60, South Salt Spring Island, Cowichan District, Except Parts in Plans 24110, 21769, 25612, 26491 and 26909, PID 009-744-274 or any subdivision of said lands as may be affected by the contravention(s).

2. And that staff report back if there is further action taken on this property.

CARRIED

- 6.2.** [23-504](#) File Notice on the Land Title of 340 Blackburn Road, Lot A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422, File NT000394

M. Taylor spoke to Item 6.2.

Discussion ensued on the meaning of the investigation being closed by Islands Trust.

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 A, Section 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422 or any subdivision of said lands as may be affected by the contravention(s).

MOVED by Director Plant, **SECONDED** by Director Holman,
That the main motion be amended to add "2. And that staff report back on the Islands Trust investigation being closed".

CARRIED

The question was called on the main motion as amended:

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 14, Range 4 East, North Salt Spring Island, Cowichan District, Plan 36350, PID 000-383-422 or any subdivision of said lands as may be affected by the contravention(s).

2. And that staff report back on the Islands Trust investigation being closed.

CARRIED

7. Adjournment

MOVED by Director Holman, **SECONDED** by Director Wickheim,
That the Hearing Session of the August 9, 2023 Electoral Areas Committee meeting be adjourned at 11:12 am.

CARRIED

CHAIR

RECORDER

**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, April 10, 2024**

SUBJECT **File Notice on the Land Title of 197 Monteith Road, Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034, File NT000402**

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

A complaint was received from the public August 15, 2022 regarding construction of a bathroom addition and possible construction in the lower level of the Single Family Dwelling (SFD). The owner submitted the SFD Addition to Islands Trust for review but there has been no progress since August 22, 2022 when Islands Trust requested further documents.

A Stop Work Order was posted September 15, 2022, as work continued on the SFD Addition. Letters and emails were sent to the owner, during which time the Building Inspector provided clear directions for permit requirements and building code compliance.

To date, a building permit application and Islands Trust planning approval have not been received for the SFD Addition.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.8 Work Contrary to Requirements

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

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 3, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 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 Building Inspection and/or 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 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 42322, Except Part in Plan 44623, PID 001-519-034 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:

- Aug 15, 2022 Complaint received from the public regarding addition of a bathroom and possible construction in the lower level of the Single Family Dwelling (SFD).
- Aug 18, 2022 Site visit conducted by Building Inspector noted work being carried out without a permit on the bathroom addition to SFD. Additionally, the underside (lower level) of the SFD appeared to have added storage. Photo taken.
- Aug 19, 2022 Email sent to the owner included forms for the Islands Trust Review and a Building Permit Application and Checklist. Owner confirmed receipt of email.
- Aug 22, 2022 Email received from Islands Trust advised the owner had submitted the SFD Addition for review.
- Sep 13, 2022 Email sent to Islands Trust requested an update on the SFD Addition review.
- Email received from Islands Trust confirmed there had been no progress since August 22, 2022, during which time a site plan, elevation drawings and title search were requested.
- Sep 15, 2022 Stop Work Order (SWO) posted as further work had been completed since August 18, 2022 on the SFD Addition. Photos taken.
- Oct 11, 2022 Letter sent to the owner by registered mail referenced the site visit of August 18, 2022, email of August 19, 2022, and SWO of September 15, 2022 and advised a building permit application must be submitted by October 28, 2022. Canada Post tracking confirmed the letter was delivered.
- Dec 2, 2022 Email sent to Islands Trust requested an update on the review.
- Dec 6, 2022 Email received from Islands Trust confirmed there has been no progress since August 22, 2022.
- Jan 9, 2023 A second letter was sent to the owner by registered mail referencing the letter of October 11, 2022 and advised that a building application had not been received and the next step would be to register a notice on title then refer the file for further action. Canada Post tracking confirmed the letter was delivered.
- Apr 12, 2023 Email sent to the owner referenced the letters of October 11, 2022 and January 9, 2023, as well as email correspondence of August 19, 2022 and requested an update on the progress of the required building permit application.
- May 8, 2023 Email sent to Islands Trust requested an update on review of the SFD Addition.
- Email received from Islands Trust confirmed there has been no progress since August 22, 2022.

Electoral Areas Committee – April 10, 2024
197 Monteith Road, Salt Spring Island

July 21, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.

Feb 14, 2024 The Chief Building Inspector contacted the owner via email asking for a response discussing his intentions.

Feb 15, 2024 A representative for the owner phoned to discuss the Notice on Title process and options for the owner.

Appendix B

Photos:

August 18, 2022



September 15, 2022



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, APRIL 10, 2024**

SUBJECT **File Notice on the Land Title of 171 Sunnyside Drive, Lot 1, Section 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662, File NT000403**

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 24, 2006, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Building bylaw infractions include the occupancy of a Single Family Dwelling (SFD) without a current Certificate of Occupancy (CO), the construction and use of an Accessory building as a residence, subject to a Stop Work Order in 2006, and the construction and occupancy of a Tiny Home residence without permits and approvals in 2021.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.3 Occupancy

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

3.1.8 Work Contrary to Requirements

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

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 1, Section 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662 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 owners.

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 Building Inspection and/or 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 15, Range 2 East, South Salt Spring Island, Cowichan District, Plan VIP58377, PID 018-675-662 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:

- Aug 24, 2006 Stop Work Order (SWO) was posted on a fully completed structure (Accessory Building) built without a permit. Structure noted by the Building Inspector to be occupied and contained a wood stove and was 15 feet by 24 feet.
- Feb 28, 2007 Letter sent to the owners advised a permit application for the occupied structure would be required to be submitted by March 15, 2007 and that failure to comply with the deadline would result in a referral to CRD Bylaw Enforcement Division for appropriate action.
- Dec 17, 2007 Building permit SS07-521 issued to construct an Accessory Building (Studio) to remedy SWO.
- Dec 17, 2009 Building permit SS07-521 expired with no inspections completed.
- Feb 25, 2010 Building permit SS10-048 issued to construct a Single Family Dwelling (SFD).
- Mar 13, 2015 A Conditional Certificate of Occupancy (CCO) was issued for the SFD. A condition of the CCO was that the Studio be decommissioned to match the original approved building plans and that the Studio meet Islands Trust Bylaw No. 355 requirements.
- Mar 17, 2015 BP000740 issued to complete the SFD.
- Mar 17, 2016 CCO issued March 13, 2015 expired.
- Mar 17, 2017 BP000740 expired with no inspections completed.
- Nov 24, 2017 Letter sent to the owners advised that BP000740 and SS07-521 were expired and that building permits were required to be reinstated and final inspections carried out to ensure there were no outstanding safety concerns. Owners were advised that failure to meet CRD Building Bylaw requirements may result in registration of a notice on title.
- Jan 2, 2018 BP003913 issued to complete the SFD.
- Jan 2, 2020 BP003913 expired with no inspections completed.
- Aug 11, 2021 Email received from the owners requested information on requirements to obtain a Certificate of Occupancy (CO) for the SFD. Owners advised that permits would need to be renewed for the Studio and SFD.
- Oct 7, 2021 Letter sent to the owners referenced the email of August 11, 2021 and expired permits BP003913 and SS07-521. The Building Inspector advised a permit was required to complete the SFD and a separate permit would be required to complete the decommissioning of the Studio.

Electoral Areas Committee – April 10, 2024
171 Sunnyside Drive, Salt Spring Island

- Oct 8, 2021 Email sent to the owners reiterated the letter sent October 7, 2021.
- Nov 23, 2021 Letter sent to the owners by registered mail referenced the letter of October 7, 2021 and advised a building permit application must be submitted by December 23, 2021 and this would be the third and final renewal for the SFD.
- Nov 30, 2021 BP007928 for a one-year renewal permit issued to complete the SFD.
- Dec 3, 2021 Site visit was conducted by the Building Inspector. Final inspection for SFD failed as Studio still not decommissioned. Photo taken.
- During the site visit, the Building Inspector observed a new, third structure; a Tiny Home with deck constructed and occupied without a building permit or CO. Photo taken.
- Email sent to the owners referenced a recent discussion with the Building Inspector and advised the SFD final inspection would be passed and a CO issued once the Studio was decommissioned back to its original approved state. The original building plans were included with the email.
- Jul 4, 2022 Email sent to the owners advised that the deadline to complete the SFD was November 30, 2022 and requested an update on the progress of the project.
- Jul 14, 2022 Email sent to the owners advised that an inspection must be scheduled within six months of the permit being issued.
- Aug 12, 2022 Follow-up email sent to the owners reminded them an inspection must be scheduled within six months of the permit being issued and advised the file would be referred for further action.
- Email received from the owners requested a final inspection of the SFD for the end of September.
- Aug 23, 2022 Letter sent to the owners by registered mail referenced the Bylaw Infraction of December 3, 2021 and advised a SFD building permit application must be submitted for the Tiny Home by September 22, 2022. In addition, the Building Inspector advised that a condition to pass the main SFD final inspection scheduled for September 29, 2022 was that the Studio be decommissioned and that the building permit application to renew the decommission of the Studio was still outstanding. Canada Post tracking confirmed letter was delivered.
- Sep 4, 2022 Email received from the owners requested the final inspection be scheduled for October 13, 2022.
- Sep 6, 2022 Email sent to the owners advised the outstanding violations needed to be completed prior to a final inspection being scheduled for the SFD.
- Email received from the owners requested clarification on the situation.

Electoral Areas Committee – April 10, 2024
171 Sunnyside Drive, Salt Spring Island

- Sep 7, 2022 Email sent to the owners advised building permit applications were required to complete a final inspection on the Studio and to receive a permit for the Tiny Home.
- Email received from the owners requested further clarification. A response was emailed and referenced the letter of August 23, 2022 detailing requirements.
- Sep 8, 2022 Email sent to the owners provided further clarification.
- Sep 22, 2022 Email sent to Islands Trust enquired if any permit reviews were initiated. Islands Trust advised no files were in process or open for this property.
- Nov 30, 2022 BP007928 to complete the SFD expired with no inspections completed.
- Dec 2, 2022 Letter sent to owners by registered mail advised BP007928 had expired and a new building permit application would be required. The Building Inspector also referenced the letter of August 23, 2022 and advised that, as neither an application for the Tiny Home nor an application to complete the decommissioning of the Studio 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 the letter was delivered to two of the owners, the letter to the third owner was returned "unclaimed".
- Jan 6, 2023 Email sent to Islands Trust enquired if any permit reviews were initiated. Islands Trust advised no files were in process or open for this property.
- Apr 25, 2023 Site visit conducted by Building Inspector. Photos taken.
- Jul 21, 2023 The Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Mar 13, 2024 The Chief Building Inspector attempted to contact the owners by phone and email to discuss the Notice on Title process and their intentions. No response was received.

Appendix B

Photos:

December 3, 2021

Tiny Home



Studio (not decommissioned)



Electoral Areas Committee – April 10, 2024
171 Sunnyside Drive, Salt Spring Island

April 25, 2023

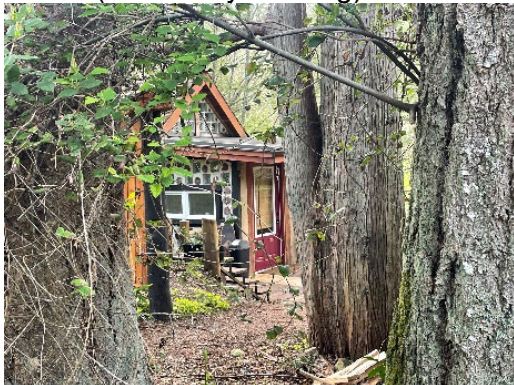
Single Family Dwelling



Tiny Home



Studio (Accessory Building)





Making a difference...together

REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, APRIL 10, 2024

SUBJECT **File Notice on the Land Title of 1488 Trail Way, Lot 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435, File NT000406**

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 3, 2021, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A building permit to construct a Single Family Dwelling (SFD) was issued July 26, 2018, and a building permit to construct an Accessory Building was issued March 6, 2020. Extensions were granted and letters were sent to the owners; however, the items for compliance were not completed, and the building permits expired. In addition, the Building Inspector observed the SFD was occupied in violation. To date, the building permits have not been renewed and final approval and occupancy approvals have not been issued.

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

2.1.2 Permits Required

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

3.1.1 Work Without Permits

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

3.1.3 Occupancy

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued or contrary to any notice given by a building official.

ALTERNATIVES

Alternative 1

That the Corporate Officer file a notice in the Victoria Land Title office stating that a Resolution has been made under Section 57 of the *Community Charter* relating to land legally described as: Lot 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435 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 owners.

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 Building Inspection and/or 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 29, Block 453, Malahat District, Plan VIP84067, PID 027-301-435 or any subdivision of said lands as may be affected by the contravention(s).

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

ATTACHMENTS

Appendix A: History

Appendix B: Photos

Appendix A

History:

- Jul 26, 2018 Building permit BP004496 issued for the construction of an (SFD).
- Aug 22, 2019 Plumbing permit BP005613 issued for the installation of a Fire Protection Sprinkler System.
- Feb 18, 2020 Letter sent to the owners advised the last inspection for BP004496 was completed August 22, 2019 and required the owners to contact the office by March 18, 2020 to arrange for an inspection or advise the Building Inspector of the status of the project.
- Mar 6, 2020 Building permit BP006124 issued for the construction of an Accessory Building.
- Jun 23, 2020 Letter sent to the owners advised the last inspection for BPP004496 was completed August 22, 2019 and required the owners to contact the office by July 22, 2020 or the permit would expire.
- Jul 29, 2020 Final Inspection for BP004496 resulted in "Partial" status.
- Aug 27, 2020 Building Inspector granted extension for BP004496 to October 30, 2020.
- Oct 30, 2020 BP004496 expired.
- Apr 1, 2021 Letter sent to the owners advised the last inspection for BP006124 was completed April 7, 2020 and required the owners to contact the office by May 3, 2021 to arrange for further inspection or to advise the Building Inspector of the status of the project.
- May 3, 2021 Letter sent to the owners advised the SFD BP004496 appeared to be occupied without a Conditional Certificate of Occupancy (CCO). Steps to receive a CCO were provided. Owners were advised to contact Building Inspection or schedule an inspection by June 4, 2021 and that failure to comply may result in the file being referred for further enforcement.
- Aug 23, 2021 BP005613 expired.
- Sep 28, 2021 Email sent to the owners advised BP004496 and BP006124 remained expired. A list of requirements for renewal were included.
- May 3, 2023 Letter sent to the owners referenced letter of May 3, 2021 and advised that, as the issues identified had not been resolved regarding BP004496, the next step would be to register a notice on title and refer the file for further action.
- A second letter sent to the owners referenced letter of April 1, 2021 and advised that, as the issues identified had not been resolved regarding BP006124, the next step would be to register a notice on title and refer the file for further action.
- Email sent to owners included copies of May 3, 2023 letters.

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- Jun 12, 2023 Site visit was conducted by the Building Inspector who observed that there had been no changes and that the SFD was still occupied in violation, without CCO.
- Jun 26, 2023 Building Inspector recommended registration of a notice on title.
- Jul 24, 2023 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jan 17, 2024 Building Inspector took photographs of SFD and Accessory Building from a distance.
- Mar 13, 2024 The Chief Building Inspector attempted to contact the owners by phone and email to discuss the Notice on Title process and their intentions with respect to their bylaw infractions. The owners voicemail box was full and their email was undeliverable. No response was received.

Appendix B

Photos:

January 17, 2024

Single Family Dwelling and Accessory Building



Accessory Building

