



Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, December 11, 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. McNeil-Smith (Board Chair, ex-officio)

Guest: Director M. Little

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. [24-1166](#) Minutes from the Hearing Session of the September 11, 2024 Electoral Areas Committee Meeting

Recommendation: That the minutes of the Hearing Session of the Electoral Areas Committee meeting of September 11, 2024 be adopted as circulated.

Attachments: [Minutes - September 11, 2024](#)

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 [1]**

- 6.1.** [24-1086](#) File Notice on the Land Title of 1002 Fulford-Ganges Road, Lot A, Section 86, South Salt Spring Island, Cowichan District Plan 32206 Except Plan EPP70937, PID 001-082-604, File VF000748

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 86, South Salt Spring Island, Cowichan District Plan 32206 Except Plan EPP70937, PID 001-082-604 or any subdivision of said lands as may be affected by the contravention(s).

Attachments: [Staff Report: Notice on Title - 1002 Fulford-Ganges Road, SSI](#)
[Appendix A: History](#)
[Appendix B: Photos](#)

7. Adjournment

Meeting Minutes

Electoral Areas Committee

Wednesday, September 11, 2024

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; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; S. Carby, Senior Manager, Protective Services; S. Carey, Senior Manager, Legal & Risk Management; S. Henderson, Senior Manager, Real Estate and Southern Gulf Islands Administration; D. Ovington, Acting Senior Manager, Salt Spring Island Administration; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Areas; M. Lagoa, Deputy Corporate Officer; M. Williamson, Committee Clerk, Salt Spring Island Administration; T. Pillipow, Committee Clerk (Recorder)

Guest: Director M. Little (Board Vice Chair)

The meeting was called to order at 11:01 am.

1. Territorial Acknowledgement

Chair Brent provided a Territorial Acknowledgement.

2. Hearing Under Section 57 of the Community Charter Regarding Notices Against Title

This hearing is being convened pursuant to section 57 of the Community Charter. The Electoral Areas Committee has been delegated the power of the Regional Board to consider a recommendation of the Building Inspector to file a notice on land title of properties that contravene building safety standards and applicable building regulations.

Anyone who considers their interest in property will be affected by a notice on title shall be provided an opportunity to speak before the Committee. Speakers should focus their remarks on the issue under consideration and to address all comments to the Committee Chair.

Once the property owner has been heard, the committee shall determine whether to confirm the recommendation of the Building Inspector, to file a notice against title of the subject property.

During the course of this hearing, this committee is sitting as a quasi-judicial body and in that capacity should only consider the facts brought before it by the Building Inspector and the affected property owners. In making a decision, committee members should refrain from considering facts that are extraneous to the hearing process.

3. Approval of Agenda

MOVED by Director Holman, **SECONDED** by Director Wickheim,
That the agenda for the Hearing Session of the September 11, 2024 Electoral
Areas Committee meeting be approved.

CARRIED

4. Adoption of Minutes

- 4.1. [24-821](#) Minutes of the Hearing Session of the April 10, 2024 Electoral Areas
Committee Meeting

MOVED by Director Holman, **SECONDED** by Director Brent,
That the minutes of the Hearing Session of the Electoral Areas Committee
meeting of April 10, 2024 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 [1]

- 6.1. [24-789](#) 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

K. Lorette spoke to Item 6.1.

Discussion ensued regarding the impact to staff workload should a summary of
hours spent on each file be provided for each 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: 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).

CARRIED

7. Adjournment

MOVED by Director Plant, **SECONDED** by Director Holman,
That the Hearing Session of the September 11, 2024 Electoral Areas Committee
meeting be adjourned at 11:08 am.

CARRIED

CHAIR

RECORDER



Making a difference...together

REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, DECEMBER 11, 2024

SUBJECT **File Notice on the Land Title of 1002 Fulford-Ganges Road, Lot A, Section 86, South Salt Spring Island, Cowichan District Plan 32206 Except Plan EPP70937, PID 001-082-604, File VF000748**

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 continued non-compliance with Capital Regional District (CRD) Building Regulation Bylaw and other regulations with respect to the construction of a residence without a building permit or required approvals.

BACKGROUND

Since November 7, 2023, CRD Building Inspection has attempted to persuade the current owner to comply with Bylaw No. 3741, "Building Regulation Bylaw No. 5, 2010".

The Building Inspector became aware of the construction of a residence at the property and on November 7, 2023, a Stop Work Order was posted. Letters and emails were sent to the owner, during which time the Building Inspector provided clear directions for permit requirement and BC Building Code compliance. Further site visits took place by CRD Bylaw Enforcement and CRD Building Inspection, with support from the RCMP at times. The owner has resisted CRD presence each time and has refused to cease construction on the residence. The owner has also ignored the written directions in a demand letter to stop work from CRD external legal counsel, dated December 08, 2023. The property currently has a Notice on Title filed on March 25, 2002 regarding the conversion of a barn to a dwelling unit without necessary approvals, including a building permit.

To date the owner has not ceased construction on the building, nor applied for a building permit for the dwelling unit above the barn. The owner has also been directed to address the illegal use of the existing barn as a dwelling unit.

The owner has been advised of the outstanding issues and requirements for compliance to the BC Building Code. CRD Building Inspection believes 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.

3.1.4. Tampering with Notices

No person shall, unless authorized in writing by a building official, reverse, alter, deface, cover, remove or in any way tamper with any notice, Permit or certificate posted upon or affixed to a building or structure pursuant to this Bylaw.

3.1.6 Obstruction to Entry

No person shall obstruct the entry of a building official or other authorized official of the Capital Regional District on a property in the administration of this Bylaw.

3.1.7 Cessation of Work

No person shall continue to do any work upon a building or structure or any portion of it after the building official has ordered cessation or suspension of work on it.

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.

4.1.1 Stop Work Notice

A building official may order the cessation of any work that is proceeding in contravention of the *Building Code* or this Bylaw by posting a Stop Work Notice.

- (1) The owner of a property on which a Stop Work Notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this Bylaw have been substantially complied with and the Stop Work Notice has been rescinded in writing by a building official.
- (2) Every person who commences work requiring a Permit without first obtaining such a Permit shall, if a Stop Work Notice is issued, pay an additional charge equal to 100% of the required Permit fee prior to obtaining the required building permit.

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 86, South Salt Spring Island, Cowichan District Plan 32206 Except Plan EPP70937, PID 001-082-604 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. Staff will be recommending further legal action to achieve compliance in a separate staff report to the Board.

CONCLUSION

The Chief Building Inspector recommends placing a notice on 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 86, South Salt Spring Island, Cowichan District Plan 32206 Except Plan EPP70937, PID 001-082-604 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

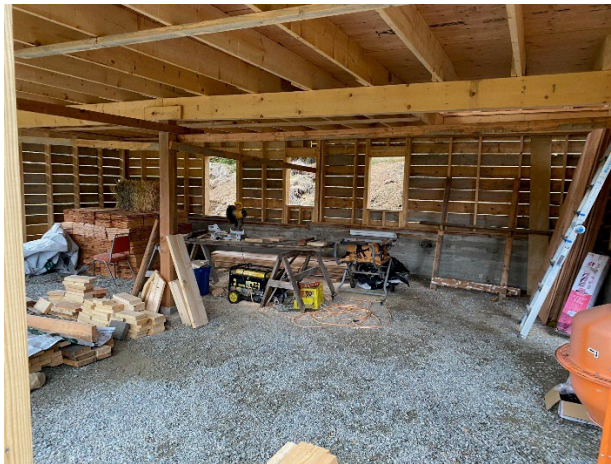
History:

Nov 07, 2023	Stop Work Order for construction of house without permits. Photos taken.
Nov 10, 2023	Stop Work Letter sent to owner.
Nov 18, 2023	Site visit by CRD Bylaw Enforcement Officer. It was observed that the Stop Work Order had been removed.
Nov 25, 2023	CRD Bylaw Enforcement Officer, accompanied by RCMP, issued two Municipal Ticket Information (MTI) tickets to owner. Bylaw Officer recommended that RCMP attend all future site visits as the owner was clearly confrontational. Staff and management met and agreed that the enforcement level needs to be raised.
Nov 27, 2023	Email received from owner, with photo of Do Not Trespass sign. Multiple contacts with all involved. Several phone calls from Building Inspection Division seeking owner's cooperation with a follow-up site inspection to check progress. Not granted.
Nov 29, 2023	Islands Trust Bylaw Enforcement Manager advised that this property has several outstanding issues.
Dec 08, 2023	Demand letter prepared by Stewart McDannold Stuart (SMS) sent to owner, with a deadline of December 29, 2023.
Dec 08, 2023	Demand letter prepared by SMS sent to owner, with a deadline of December 29, 2023 or will seek authorization from CRD Board to commence legal proceedings.
Dec 16, 2023	CRD Bylaw Enforcement Officer attended site to re-issue MTI tickets. Owner refused to identify himself, was uncooperative and was temporarily arrested by RCMP. Two MTI tickets were issued.
Dec 21, 2023	CRD Bylaw Enforcement Officer met with owner at driveway and again re-issued MTI tickets, correcting the owner's name.
Feb 08, 2024	SMS lawyer agreed that the next step should be to prepare for a court injunction and recommended another site visit for up-to-date information.
Feb 29, 2024	Email from Building Inspection staff to owner as well as a phone message advising Building Inspectors would be attending his property the next day to review the status of the building from the exterior.
Mar 01, 2024	Site visit with Building Inspector, Chief Building Inspector and two attending RCMP Constables. Photos taken. No attempt to gain access within the building. Email received from owner advised he would no longer discuss matters with Chief Building Inspector and threatened legal action against the Chief Building Inspector and the CRD.
Mar – Nov, 2024	Inspectors have observed continued construction although they have not entered the property. The owner has not made contact with the Building Inspection office.
Nov 05, 2024	The Chief Building Inspector attempted to contact the owner by phone, a voice message was left.

Appendix B

Photos:

November 7, 2023



March 1, 2024



Appendix A

History:

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Appendix B

Photos:

November 7, 2023



March 1, 2024

