



Making a difference...together

**Building Inspection**

625 Fisgard Street, PO Box 1000  
Victoria, BC, Canada V8W 2S6

T: 250.360.3230

F: 250.360.3232

www.crd.bc.ca

September 22, 2017

REGISTERED MAIL  
File No. VF000205

Gary M Webb  
Melvin S Webb  
1178 Aspen Road  
PO Box 254  
Malahat, BC V0R 2L0

Dear Messrs Gary and Melvin Webb:

**RE: Lot 2, District Lots 45 & 136, Malahat Plan VIP33710  
1178 Aspen Road, Malahat, BC**

This is further to our letters of March 21, 2017 and September 12, 2017 in which we advised that a Stop Work dated March 3, 2017 was removed and work has continued without a building permit. The moved-in mobile and unsightly premises is creating a hazard and we require that the building be removed or that you obtain a Professional Structural Engineer to inspect the mobile to bring the building into compliance with the BC Building Code. The building inspector carried out a site inspection on September 8, 2017 and he advised that the moved-in mobile remains on site.

**TAKE NOTICE** that the Capital Regional District (CRD) Board pursuant to Division 12 of Part 3 of the *Community Charter* will at the hour of 1:30 p.m. on the 11<sup>th</sup> day of October in the 6<sup>th</sup> floor Board Room, 625 Fisgard Street, British Columbia will hear representations to determine whether the structure with respect to the lands more particularly described above, is in or creates an unsafe condition or contravenes the Provincial building regulation or bylaw under Division 2 of Part 21 of the *Local Government Act* and require the owner/occupier/tenant demolish the building and the site made safe, to remedy the hazardous condition.

**AND FURTHER TAKE NOTICE** that should the CRD Board recommend the owner/occupier/tenant take remedial action, and the owner/occupier/tenant defaults the CRD Board may recommend its employees and others to enter and take remedial action at the expense of the person defaulting. The charges for doing so, if unpaid on December 31, 2017 shall form part of the taxes payable in respect of the real property in question, as taxes in arrears, or be collected as a debt.

**AND FURTHER TAKE NOTICE** that should you wish to make representation to the CRD Board regarding the lands and premises listed above, you should appear at that time, date and place to make your presentation to the CRD Board.

Should you choose to attend the meeting or if you have any questions, please contact Robert Gutierrez, Manager, Building Inspection, by telephone at 250-360-3230. A copy of Section 72 and 73 of the *Community Charter* is enclosed.

Sincerely,

Robert Gutierrez, RBO  
Manager and Chief Building Inspector  
CRD Building Inspection

Enclosure

c: Kevin Lorette, P.Eng. MBA  
General Manager, Planning and Protective Services

**Division 12 – Remedial Action Requirements****Council may impose remedial action requirements**

72. (1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [*hazardous conditions*],
  - (b) matters or things referred to in section 74 [*declared nuisances*], or
  - (c) circumstances referred to in section 75 [*harm to drainage or dike*].
- (2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement
- (a) may be imposed on one or more of
    - (i) the owner or lessee of the matter or thing, and
    - (ii) the owner or occupier of the land on which it is located, and
  - (b) may require the person to
    - (i) remove or demolish the matter or thing,
    - (ii) fill it in, cover it over or alter it,
    - (iii) bring it up to a standard specified by bylaw, or
    - (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.
- (3) In the case of circumstances referred to in section 75, a remedial action requirement
- (a) may be imposed on the person referred to in that section, and
  - (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

2003-26-72.

**Hazardous conditions**

73. (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
  - (b) a natural or artificial opening in the ground, or a similar matter or thing;
  - (c) a tree;
  - (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
  - (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.
- (2) A council may only impose the remedial action requirement if
- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
  - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8
- (3) (1) [*spheres of authority – buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

2003-26-73.

**Declared nuisances**

74. (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
- (b) a natural or artificial opening in the ground, or a similar matter or thing;
- (c) a drain, ditch, watercourse, pond, surface water, or a similar matter or thing;
- (d) a matter or thing that is in or about any matter or thing referred to in paragraphs (a) to (c).

(2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

2003-26-74.