



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JUNE 12, 2019**

SUBJECT **File Notice on the Land Title of Peter Bailey, 6092 Timberdoodle Road, PID: 000-185-931, Lot 3, Section 98, Sooke District, Plan 16451, File NT000230**

ISSUE

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

BACKGROUND

This property has been registered to the above noted owner since October 27, 2008. A stop work order was posted on May 19, 2017 for repairs/addition to the existing boathouse in progress without the benefit of necessary approvals or a building permit being issued.

This property also has an existing single family dwelling which was issued an Occupancy Certificate on July 24, 1996.

A registered letter requesting a building permit application was sent to the owner on May 23, 2017 and an application was received on June 12, 2017 to repair a single family dwelling (originally the boathouse). Multiple letters and phone calls were exchanged to obtain the requested additional documents in support of the building permit application. A referral to the Juan de Fuca (JdF) Planning division was rejected pending resolution of land use issues with the heavily modified boathouse.

Following a meeting with the owner and CRD staff, the owner agreed to obtain a demolition permit and remove the boathouse. The owner was advised he may apply for a building permit for a detached accessory suite. A demolition permit application was received and a demolition permit was issued to demolish an accessory building with a condition to contact WorkSafe BC regarding hazard assessment requirements and possible health and safety concerns.

Subsequent site visits determined that only a partial demolition had taken place and the three month deadline had been exceeded. CRD staff were advised that the owner was no longer in agreement with the CRD proposal and does not wish to demolish the boathouse. The demolition permit for the accessory building has expired and a new building permit is required to complete the work.

To date, no further communication has been received from the owner nor has a new building permit application been received.

As work has been carried out and completed without the benefit of a building permit or inspections, a notice on title is required as the Building Inspector cannot verify that the work was done in accordance with the BC Building Code.

The owner has been advised of the outstanding issues and requirements. 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 unless a building official has issued a valid and subsisting Permit for the work.

3.1.8 Contrary

No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw No. 3741, 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.

ALTERNATIVES

Alternative 1:

That the Corporate Officer shall 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 98, Sooke District, Plan 16451, PID: 000-185-931 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.

FINANCIAL IMPLICATIONS

The cost of the process to file notice on land title is included in the annual Building Inspection and Bylaw Enforcement budgets. In the event that the notice can be removed, there will be a \$500 removal fee charged to the owner.

LEGAL IMPLICATIONS

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 will 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 shall 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 98, Sooke District, Plan 16451, PID: 000-185-931 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager Planning & Protective Services

Attachment 1: History
Attachment 2: Photos