



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

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**SUBJECT**     **File Notice on the Land Title of 1031748 BC Ltd., 17293 Parkinson Road, PID: 023-744-952, Lot 1, District Lot 17, Renfrew District, Plan VIP65199, Except That Part In Plan VIP72488, File NT000205**

**ISSUE**

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**

This property has been registered to the above owner since April 17, 2015. As of August 15, 2017 CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 – History).

A Stop Work order was placed on August 15, 2017 for three mobile units (ATCO trailer, a two family manufactured home and a manufactured accessory building) moved in and connected to services without permits or approvals.

Registered letters were sent out to owner on August 17 and September 12, 2017 requesting building permit applications and supporting application documentation to be submitted by September 5 and October 2, 2017 respectively. Two incomplete permit applications were received on October 15, 2017 (files BP003729 to move in two family dwelling and BP003730 to move in mobile) and one incomplete permit application on March 2, 2018 (file BP003731). Follow up phone calls and several emails were exchanged regarding our request for submission of supporting documents required to continue processing the three applications. This resulted with only one building permit BP003731 being issued on July 31, 2018 for the manufactured accessory building (site office) and that permit was completed.

A final registered letter was sent to the owner on October 23, 2017 requesting the required additional information in order to continue processing the application. The applicant was requested to submit the information by November 23, 2017 in order to avoid cancellation of the building permit application and the potential registration of a notice on the land title.

Letters were sent out to the applicant and owner on August 29, 2018 advising the two other building permit applications were cancelled – one cancelled at the request of the applicant (BP003729) and the other (BP003730) for not submitting the requested documentation to complete the building permit application review by the final date of August 27, 2018. Subsequent to the cancellation of the ATCO trailer permit application (BP003730), an Alternative Solution Code Review Report was received.

A site visit carried out on March 14, 2019 confirms issues concerning the ATCO trailer are still not resolved and three new additional manufactured buildings were moved in, one possibly for future use as cannabis retail outlet. Sea Cans were also moved in and connected to services for an unknown use. To date, no new building permit applications have 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 unless a building official has issued a valid and subsisting permit for the work or contrary to any notice given by a building official.

**3.1.8 Contrary**

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.

**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 1, District Lot 17, Renfrew District, Plan VIP65199, Except That Part In Plan VIP72488, PID: 023-744-952 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 1, District Lot 17, Renfrew District, Plan VIP65199, Except That Part In Plan VIP72488, PID: 023-744-952, 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

Attachments: Attachment 1: History  
Attachment 2: Photos