



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

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**SUBJECT**     **File Notice on the Land Title of 1112293 BC Ltd., 6505 Powder Main Road, PID 029-284-066, Lot A, District Lot 17, Renfrew District, Plan EPP10506, File NT000219**

**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 5, 2017. As of June 20, 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 issued on June 20, 2017 on an ATCO construction trailer and recreational vehicle moved in and connected to services without the benefit of necessary approvals or a building permit being issued.

Letters were sent out to owner requesting a building permit application. The final letter advising of notice on title was sent on September 8, 2017. An incomplete building permit application was received on April 10, 2018 and upon review, additional information was requested. Numerous requests and emails followed regarding the required documentation to continue processing the application.

Two Electoral Area Service Committee (EASC) Hearings, considering registration of a notice on title were held in May and June 2018, resulted in two one-month extensions granted in order to bring the property into compliance and resolve the issues.

Further discussions were held between the applicant, owner and Building Inspection staff to provide and clarify the Alternative Solution option which the applicant confirmed they were pursuing in June 2018. Outstanding supporting documents requested in order to process the building permit application received on April 10, 2018 were not received. As a result, the building permit application was cancelled in October 2018. The registration process of notice on the land title to proceed.

A site visit carried out on March 14, 2019 confirms issues concerning the ATCO trailer are still not resolved and an additional recreational vehicle moved in and connected to services, possibly occupied as dwelling. Additional decks constructed.

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 A, District Lot 17, Renfrew District, Plan EPP10506, PID: 029-284-066 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 A, District Lot 17, Renfrew District, Plan EPP10506, PID: 029-284-066, 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