



**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, JULY 10, 2019**

SUBJECT **File Notice on the Land Title of the Salt Spring Island Land Bank Society, Inc. No. S48461, 584 Rainbow Road, PID 015-854-698, Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990, File NT000084**

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 May 14, 2010. Since January 6, 2016, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 - Permit History and Attachment 2 - History).

The owner Salt Spring Island Bank Society strives towards providing safe and affordable housing for residents of Salt Spring Island. Their Brackett Spring Family Housing project at 584 Rainbow Road is a housing project comprising of eight dwelling types which includes single family dwellings, duplex dwellings and mobile homes.

Twenty building permits have been issued on this property since June 15, 2010. All of these building permits have expired in accordance with the CRD Building Bylaw.

A stop work order was posted on January 6, 2016 on a single wide mobile home that was moved in without a building permit. An incomplete building permit application was received on February 22, 2016 with a letter that requested the fees for a permit issued for a double wide mobile home May 5, 2015 be amended to represent the existing temporary single wide mobile home. The owner intended to move in a double wide mobile sometime in the future and replace the single wide mobile. No permit fees were received for this building permit application.

A site visit on January 30, 2017 revealed that the owner occupied one of the buildings when on night watchman shifts. The Building Inspector explained that no one was to sleep or inhabit any of the buildings before occupancy is issued. None of the buildings have been issued a conditional certificate of occupancy or an occupancy certificate.

A staff report went before the Electoral Area Services Committee (EASC) on March 15, 2017 where the decision was made to agree to withhold the registration of a notice for three months. This would provide enough time for the owner to meet with the Chief Building Inspector and discuss their action plan to bring all of the buildings into compliance. A letter was sent to the owner on March 21, 2017 advising of the EASC decision. Ongoing communications via phone calls, meetings and emails continued with the owner over the next several months to discuss the action plan.

An onsite meeting was held on January 5, 2018 with the owner and the Deputy Chief Building Inspector to review the project background and concerns regarding compliance and the completion of project. Several unsuccessful attempts were made to have the owner submit the requested action plan. The owner sent an email to the Deputy Chief Building Inspector advising they have requested the assistance of a retired construction experienced person to write the action plan. The action plan was not received by the Chief Building Inspector.

A follow up site visit was conducted on October 1, 2018 by the Building Inspector and photos were taken. Another site visit conducted June 14, 2019 by the Building Inspector revealed that one of the buildings appears to be occupied and most other buildings appear derelict. It was also noted that more construction debris and garbage has accumulated since the previous site visit and new photos were taken.

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

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.

3.1.3 Occupancy

No person shall occupy or use any building or structure unless a valid and subsisting Certificate of Occupancy has been issued by a building official for the building or structure. No person shall occupy or use any building contrary to the terms of any Permit issued 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.

4.12. Do Not Occupy

Where a person occupies a building or structure or part of a building or structure in contravention of Section 3.1.3 of the Bylaw a building official may post a Do Not Occupy Notice on the affected part of the building or structure.

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, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP49990, PID 015-854-698 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, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990, PID 015-854-698, 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: Permit History
Attachment 2: History
Attachment 3: Photos
Attachment 4: Site Plan