



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, SEPTEMBER 11, 2019**

SUBJECT **File Notice on the Land Title of Melvyn John Gibb and Conny Louise Nordin, 725 Cain Road, Galiano Island, PID: 006-333-508, Lot 2, Section 7, Cowichan Plan, VIP2514, File NT000244**

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 Melvyn Gibb and Conny Nordin since November 10, 2017.

A site visit was carried out on January 18, 2018 revealed that alterations to the single family dwelling (SFD) were being carried out without the benefit of a building permit or inspections and a Stop Work Order was posted.

There have been several site visits to this property and communication with the owners. A registered letter requesting a building permit application was sent to the owners on January 23, 2018. The owner verbally confirmed with the Building Inspector that he would not be applying for a building permit. A final notification letter advising of Notice on Title and the \$500 fee to remove was sent on May 22, 2018 and that letter was refused by the recipient.

The property was presented at the May 8, 2019 Electoral Areas Committee (EAC) meeting and the item was deferred for two months.

A site visit conducted on July 10, 2019 confirmed there was no change to the SFD and no one was on site.

To date, no new building permit applications or supporting documents have been received and there has been no communication from the owners since the EAC meeting held on May 8, 2019.

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 owners have been advised of the outstanding issues and requirements. The owners 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 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508, 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 2, Section 7, Cowichan Plan, VIP2514, PID: 006-333-508 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Robert Gutierrez, RBO, Manager Building Inspection
Concurrence:	Christine Culham, Acting General Manager Planning & Protective Services

Attachment 1: History
Attachment 2: Photos