



**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, OCTOBER 9, 2019**

SUBJECT **File Notice on the Land Title of Cameron Richard Mackay and Leslie Evelyn Bell, 351 Mountain Park Drive, Lot 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, NT000253**

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 owners since July 13, 2016. As of May 12, 2017 CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 – History).

A stop work order was issued on May 12, 2017 on a two storey accessory building which was constructed without the benefit of necessary approvals or a building permit being issued. Items of concern relating to health and safety: No inspections of the construction have been carried out as no permit has been issued. With no monitoring of construction the health and safety cannot be confirmed.

The owners have been advised of the outstanding issues and requirements for compliance to the BC Building Code. 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 or contrary to any notice given by a building official.

3.1.5 Cessation of Work

No person shall continue to do any work upon a building or structure or any portion of it after the building official has ordered cessation or suspension of work on it.

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 the 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, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, 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 owners.

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, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except part in Plan EPP5792, PID: 023-511-451, 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