



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

SUBJECT **File Notice on the Land Title of Nancy B Bloch, 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID: 010-419-632, File NT000252**

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 August 14, 2014. As of November 17, 2015 CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Attachment 1 – History).

On November 17, 2015 CRD Bylaw Enforcement and Islands Trust Bylaw Enforcement met with Building Inspection to report multiple complaints of construction and occupancy of buildings. On November 18, 2015 the Building Inspector conducted a site visit and posted eight Stop Work Orders on buildings altered without permits.

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.

3.1.3 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.

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.

4.1.2 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: 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID: 010-419-632 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: 192 Vesuvius Bay Road, Section 8, Range 1 East, North Salt Spring Island, Cowichan District, except Parcel A (DD 46426I), Parcel C (DD 227978I) and Part in Plans 3629, 8770 and 17081, PID 010-419-632 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