



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

SUBJECT **File Notice on the Land Title of Robin Soles and Jesse Cullen, 2045 North End Road, Lot A, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644, File NT000259**

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 August 22, 2017. As of May 22, 2019, 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 placed on May 22, 2019 on an accessory building that was being added to and was inhabited without the benefit of necessary approvals or a building permit issued.

Letters were sent out to owners requesting a building permit application. The final letter advising the next step is to register a notice on title was sent on June 13, 2019. The owners have not contacted the CRD, nor have they applied for a building permit.

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.

3.1.8 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 A, Section 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644 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 8, Range 1 North, North Salt Spring Island, Cowichan District Plan 2584, PID: 006-311-644 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