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**REPORT TO ELECTORAL AREAS COMMITTEE
MEETING OF WEDNESDAY, JULY 8, 2020**

SUBJECT **File Notice on the Land Title of 351 Village Bay Road, Lot C, Section 7 and 12, Mayne Island, Cowichan District, Plan 27091, PID 002-552-281, File NT000289**

ISSUE SUMMARY

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

Since September 21, 2010, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A building permit issued for a move-in Single Family Dwelling (SFD) expired in June 2013. Although two incomplete permit applications to reactivate the building permit were submitted in 2016 and 2019, the requested additional documentation in order to continue processing the application were not received. The Project Engineer involved revoked his letters of assurance and the sealed drawings.

A Stop Work Order was posted on December 3, 2015 for construction of a move-in SFD constructed without the benefit of a building permit.

A site visit conducted in April 2019 revealed the SFD appeared to be occupied. Despite letters being sent, a new building permit was never issued as the conditions for reactivation of the building permit were not met.

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.

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.

ALTERNATIVES

Alternative 1

That the Corporate Officer 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 C, Section 7 and 12, Mayne Island, Cowichan District, Plan 27091, PID 002-552-281 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.

IMPLICATIONS

Financial

The cost of the process to file notice on land title is included in the annual Building Inspection budget. In the event that the notice can be removed, there will be a \$500 removal fee charged to the owner.

Legal

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 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 C, Section 7 and 12, Mayne Island, Cowichan District, Plan 27091, PID 002-552-281 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Manager and Chief Building Inspector, Building Inspection
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services

ATTACHMENTS

Appendix A: History

Appendix B: Photos