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

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**SUBJECT**     **File Notice on the Land Title of 737 Wilks Road, Mayne Island, Lot 7, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-170-601, File NT000277**

**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 May 21, 2009, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

A Stop Work Order was posted on May 21, 2009 for decks and plumbing constructed without the benefit of a building permit or approvals. Building permits (MA09-361 and MA10-077) were issued but have since expired with the work incomplete. A further building permit (BP000791) was issued in May of 2015 for the construction of an additional deck and roof and for the completion of the work of the two expired permits. This permit has also expired without final approvals of the work. Several letters were sent to the owner advising of the expired permits and deficiencies including the lack of compliant guard rails and the need for a BC Land Surveyor's siting certificate.

To date, the requested documentation has not been received nor a new building permit application for the expired building 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.

**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.

**4.1.2 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 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 7, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-170-601 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 7, Section 10, Mayne Island, Cowichan District, Plan 15027, PID 004-170-601 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