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REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, JULY 14, 2021

SUBJECT **File Notice on the Land Title of 523 Long Harbour Road, Lot A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003, File NT000281**

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 March 21, 2013, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

Permits were issued March 20, 2006 for the Alteration and Addition to an existing Single Family Dwelling (SFD), April 30, 2007 for installation of plumbing to the SFD and August 23, 2007 for an Accessory Building-Cabana. A Conditional Certificate of Occupancy (CCO) for the SFD was issued December 21, 2007.

The CCO expired December 21, 2008 as deficiencies and conditions had not been addressed. A final Inspection for the SFD failed on August 25, 2009. By April 21, 2013 the SFD, plumbing and Accessory Building-Cabana permits had expired. Numerous letters regarding the expired permits and expired CCO were sent to the owners between March 21, 2013 and July 7, 2020. No response was received.

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:

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 for which a Permit is required under this Bylaw unless a building official has issued a valid and subsisting permit for the work.

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.

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 A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 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 owners.

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 may 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 A, Sections 1 and 2, Range 5 East, North Salt Spring Island, Cowichan District, Plan 29607, PID 001-379-003 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