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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, FEBRUARY 8, 2023

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**SUBJECT**     **File Notice on the Land Title of 109 Spring Gold Way, Lot 1, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304, File NT000376**

### **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 October 5, 2021, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Following up on a public complaint, a site visit was conducted on October 5, 2021. Building infractions were noted for a Single Family Dwelling (SFD) and re-purposed refrigeration trailer built without permits or approvals. The Building Inspector spoke with the owner and encouraged him them to apply for a building permit. Letters were sent October 6 and November 5, 2021 and March 2, 2022. No response was received from the owners and a Stop Work Notice was posted April 27, 2022. A change of ownership was noted and a letter sent May 18, 2022 advised the new owners of the outstanding issues. A Stop Work Notice and Do Not Occupy Notice were posted to notify the new owners May 24, 2022 and another letter was sent July 8, 2022. To date, no building permit applications have been received for either structure.

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

#### **3.1.8 Work Contrary to Requirements**

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.

#### **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 1, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304 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 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 1, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan VIP80776, PID 026-644-304 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