



## Notice of Meeting and Meeting Agenda Electoral Areas Committee

Wednesday, October 12, 2022

11:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

### Hearing Session

M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

#### 1. Territorial Acknowledgement

#### 2. Hearing Under Section 57 of the Community Charter Regarding Notices Against Title

This hearing is being convened pursuant to section 57 of the Community Charter. The Electoral Areas Committee has been delegated the power of the Regional Board to consider a recommendation of the Building Inspector to file a notice on land title of properties that contravene building safety standards and applicable building regulations.

Anyone who considers their interest in property will be affected by a notice on title shall be provided an opportunity to speak before the Committee. Speakers should focus their remarks on the issue under consideration and to address all comments to the Committee Chair.

Once the property owner has been heard, the committee shall determine whether to confirm the recommendation of the Building Inspector, to file a notice against title of the subject property.

During the course of this hearing, this committee is sitting as a quasi-judicial body and in that capacity should only consider the facts brought before it by the Building Inspector and the affected property owners. In making a decision, committee members should refrain from considering facts that are extraneous to the hearing process.

#### 3. Approval of Agenda

#### 4. Adoption of Minutes

- 4.1. [22-608](#) Minutes of the Hearing Session of the July 13, 2022 Electoral Areas Committee Meeting

**Recommendation:** That the minutes of the Hearing Session of the Electoral Areas Committee meeting of July 13, 2022 be adopted as circulated.

**Attachments:** [Minutes - July 13, 2022](#)

#### 5. Comments by Property Owners on the Recommended Notices on Title

**6. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer**

- Juan de Fuca [1]
- Salt Spring Island [4]
- Southern Gulf Islands [2]

- 6.1.        [22-581](#)        File Notice on the Land Title of 3612 Petrel Drive, Lot 26, Section 2, Renfrew District, Plan VIP83894, PID 027-253-791, File NT000369
- 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 26, Section 2, Renfrew District, Plan VIP83894, PID 027-253-791 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:**        [Staff Report: Notice on Title - 3612 Petrel Drive, JdF](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)
- 6.2.        [22-533](#)        File Notice on the Land Title of 240 Old Scott Road, Lot 1, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658, File NT000344
- 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, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:**        [Staff Report: Notice on Title - 240 Old Scott Road, North SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)
- 6.3.        [22-531](#)        File Notice on the Land Title of 1749 Fulford-Ganges Road, Lot A, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870, File NT000351
- 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, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870 or any subdivision of said lands as may be affected by the contravention(s).
- Attachments:**        [Staff Report: Notice on Title-1749 Fulford-Ganges Rd, South SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 6.4. [22-532](#) File Notice on the Land Title of 600 Isabella Point Road, The North East ¼ of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491, File NT000326

**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: The North East 1/4 of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-600 Isabella Point Rd, South SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 6.5. [22-582](#) File Notice on the Land Title of 289 Stewart Road, Lot A, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854, File NT000363

**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, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title - 289 Stewart Road. South SSI](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 6.6. [22-534](#) File Notice on the Land Title of 484 Cherry Tree Bay Road, Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200, File NT000330

**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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-484 Cherry Tree Bay Road, Mayne](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

- 6.7. [22-535](#) File Notice on the Land Title of 266 Leighton Lane, Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081, File NT000353

**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 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081 or any subdivision of said lands as may be affected by the contravention(s).

**Attachments:** [Staff Report: Notice on Title-266 Leighton Lane, Mayne Island](#)  
[Appendix A: History](#)  
[Appendix B: Photos](#)

## 7. Adjournment

## Meeting Minutes

### Electoral Areas Committee

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Wednesday, July 13, 2022

11:00 AM

6th Floor Boardroom  
625 Fisgard St.  
Victoria, BC V8W 1R7

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#### Hearing Session

#### PRESENT

Directors: M. Hicks (Chair), G. Holman (Vice-Chair), P. Brent, C. Plant (Board Chair, ex-officio)

Staff: R. Lapham, Chief Administrative Officer; N. Chan, Chief Financial Officer; K. Lorette, General Manager, Planning and Protective Services; K. Morley, General Manager, Corporate Services; T. Robbins, General Manager, Integrated Water Services; K. Campbell, Senior Manager, Salt Spring Island Administration (EP); S. Carby, Senior Manager, Protective Services; J. Starke, Manager, Service Delivery, Southern Gulf Islands Electoral Area; M. Taylor, Manager, Building Inspection; M. Lagoa, Deputy Corporate Officer; T. Pillipow, Committee Clerk (Recorder)

EP - Electronic Participation

The meeting was called to order at 11:01 am.

#### 1. Territorial Acknowledgement

Chair Hicks provided a Territorial Acknowledgement.

#### 2. Hearing Under Section 57 of the Community Charter Regarding Notices Against Title

This hearing is being convened pursuant to section 57 of the Community Charter. The Electoral Areas Committee has been delegated the power of the Regional Board to consider a recommendation of the Building Inspector to file a notice on land title of properties that contravene building safety standards and applicable building regulations.

Anyone who considers their interest in property will be affected by a notice on title shall be provided an opportunity to speak before the Committee. Speakers should focus their remarks on the issue under consideration and to address all comments to the Committee Chair.

Once the property owner has been heard, the committee shall determine whether to confirm the recommendation of the Building Inspector, to file a notice against title of the subject property.

During the course of this hearing, this committee is sitting as a quasi-judicial body and in that capacity should only consider the facts brought before it by the Building Inspector and the affected property owners. In making a decision, committee members should refrain from considering facts that are extraneous to the hearing process.

### 3. Approval of Agenda

**MOVED** by Director Plant, **SECONDED** by Alternate Director Brent,  
That the agenda for the Hearing Session of the July 13, 2022 Electoral Areas  
Committee meeting be approved.

**CARRIED**

### 4. Adoption of Minutes

- 4.1. [22-458](#) Minutes of the Hearing Session of the June 8, 2022 Electoral Areas  
Committee Meeting

**MOVED** by Director Plant, **SECONDED** by Alternate Director Brent,  
That the minutes of the Hearing Session of the Electoral Areas Committee  
meeting of June 8, 2022 be adopted as circulated.

**CARRIED**

### 5. Comments by Property Owners on the Recommended Notices on Title

There were no comments by property owners.

### 6. Properties to be Considered for Filing Notice against Land Title and Comments by the Building Inspector or Designated Municipal Officer

- Salt Spring Island [2]

- Southern Gulf Islands [1]

- 6.1. [22-427](#) File Notice on the Land Title of 112A and 112B Charlesworth Road, Lot 1,  
Section 19, Range 4 East, North Salt Spring Island, Cowichan District,  
Plan 20879, PID 003-459-659, File NT000348

M. Taylor spoke to Item 6.1.

**MOVED** by Director Holman, **SECONDED** by Director Plant,  
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 19, Range 4 East, North Salt  
Spring Island, Cowichan District, Plan 20879, PID 003-459-659 or any subdivision  
of said lands as may be affected by the contravention(s).

**CARRIED**

- 6.2. [22-428](#) File Notice on the Land Title of 2580 Fulford-Ganges Road, West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735, File NT000357

M. Taylor spoke to Item 6.2.

Discussion ensued on circumstances that would prompt the removal of an accessory building from a property.

**MOVED by Director Holman, SECONDED by Alternate Director Brent, 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: West 1/2 of Section 12, Range 1, South Salt Spring Island, Cowichan District, Except Parcel A (DD 47113I), and Except Part in Plan 3785, PID 007-126-735 or any subdivision of said lands as may be affected by the contravention(s).**

**CARRIED**

- 6.3. [22-429](#) File Notice on the Land Title of 4709 Canal Road, Lot 1, Section 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379, File NT000346

M. Taylor spoke to Item 6.3.

**MOVED by Alternate Director Brent, SECONDED by Director Plant, 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 11, Pender Island, Cowichan District, Plan 23566, PID 003-122-379 or any subdivision of said lands as may be affected by the contravention(s).**

**CARRIED**

## 7. Adjournment

**MOVED by Director Plant, SECONDED by Alternate Director Brent, That the Hearing Session of the July 13, 2022 Electoral Areas Committee meeting be adjourned at 11:10 am.**

**CARRIED**

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CHAIR

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RECORDER



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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, OCTOBER 12, 2022

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**SUBJECT**     **File Notice on the Land Title of 3612 Petrel Drive, Lot 26, Section 2, Renfrew District, Plan VIP83894, PID 027-253-791, File NT000369**

### **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 1, 2022, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A Stop Work Order was posted March 1, 2022 on two structures: a detached suite and secondary building. A letter sent to the owners advised that building permit applications would be required for both structures. The Building Inspector discussed permit requirements with the owners over the phone and followed up with an email. Since no applications were submitted, letters were sent to the owners. No responses were received. A site visit on June 7, 2022 revealed work had continued without permits or approvals.

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.

#### **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 this Bylaw by posting a Stop Work Notice.



## **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 26, Section 2, Renfrew District, Plan VIP83894, PID 027-253-791 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 26, Section 2, Renfrew District, Plan VIP83894, PID 027-253-791 or any subdivision of said lands as may be affected by the contravention(s).

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

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

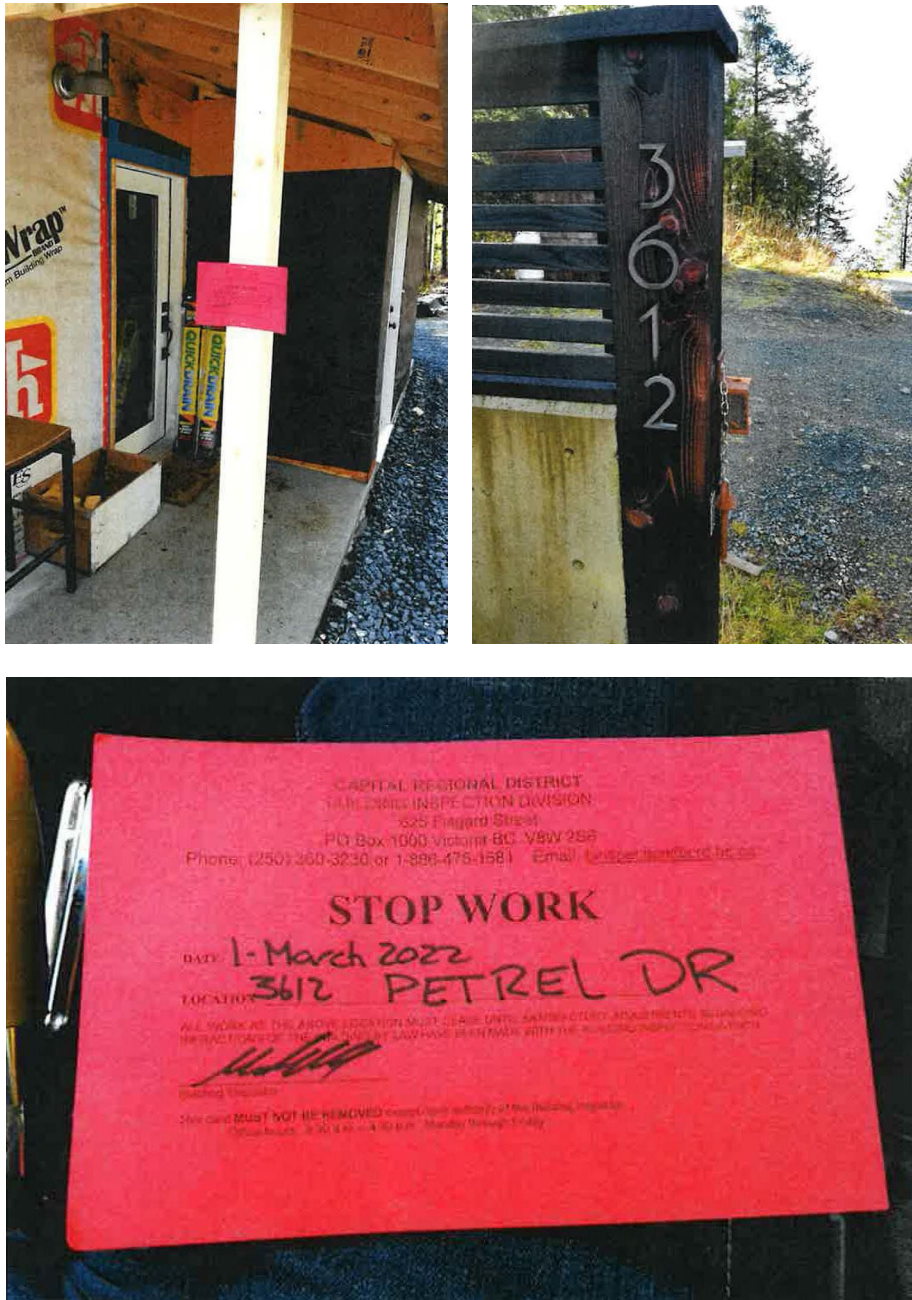
**History:**

- Mar 1, 2022 Stop Work Order (SWO) posted for work carried out without a building permit or planning approval on two structures: a small detached suite and a secondary building with footings poured and foundation walls under construction. Photos taken.
- Mar 22, 2022 Letter sent to the owners by registered mail and email advised of the SWO and required a building permit application be submitted for each structure by April 6, 2022.
- Mar 24, 2022 Telephone call between the owners and Building Inspector.  
Email sent to the owners to follow up on the phone call included building and plumbing permit applications, a missed inspections alternative table and mechanical ventilation checklists.
- Apr 7, 2022 Site visit conducted by Building Inspector.
- Apr 12, 2022 Letter sent to the owners by registered mail and email referencing the letter of March 22, 2022 and site visit of April 7, 2022 advised that the building permit applications were required for each structure by April 26, 2022.
- Apr 26, 2022 No building permit applications received.
- Apr 27, 2022 Voicemail left with owners from Building Inspector to discuss applications.
- May 18, 2022 Letter sent to the owners by registered mail and email referencing the letters of March 22 and April 12, 2022 and site visits of March 1 and April 7, 2022 advised that, as no building permit applications were received, the next step would be to register a notice on title and refer the file for further action.
- Jun 7, 2022 Site visit conducted by Building Inspector. Work continued. Photo taken.
- Jun 15, 2022 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Sep 13, 2022 Chief Building Inspector sent an email to the owners requesting a discussion of their intentions.

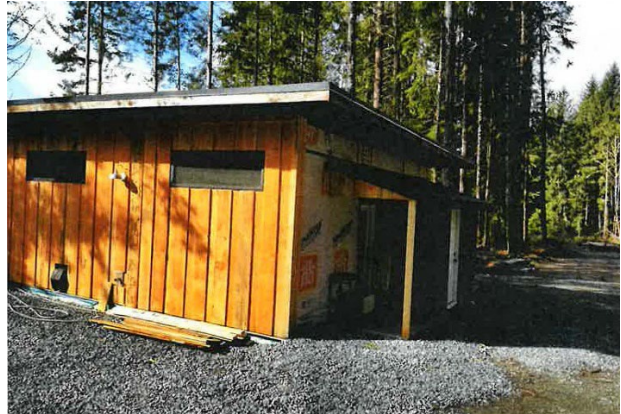
Appendix B

Photos:

March 1, 2022



Stop Work Order (applies to both structures)



Detached Suite (constructed without permits or approvals)



Secondary Building (footings and walls under construction without permits or approvals)

June 7, 2022



Detached Suite (work continued)



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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 12, 2022**

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**SUBJECT**     **File Notice on the Land Title of 240 Old Scott Road, Lot 1, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658, File NT000344**

**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 June 24, 2016, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

Deck constructed around a recreational vehicle trailer without building permits or approvals. A Development Variance Permit subsequently issued by Islands Trust specifically excluded the deck. No response to letters. To date, no building permit application has been 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:

**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 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.

**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, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 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, District Lot 20, North Salt Spring Island, Cowichan District, Plan 7060, PID 005-812-658 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Chief Building Inspector and Manager, Building Inspection
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History

Appendix B: Photos

**Appendix A**

**History:**

- Jun 24, 2016 Complaint received regarding a deck constructed around a recreational vehicle (RV) trailer. Photos taken.
- Jun 29, 2016 Site visit conducted by Building Inspector. Deck exceeds 10m<sup>2</sup>. Permit required.  
A Stop Work Notice was not posted and a letter was not sent. File became dormant as focus shifted to other work on the property.
- Sep 28, 2017 Permit BP003589 issued to construct retaining walls.
- Sep 30, 2019 Permit BP003589 expired.
- Jun 22, 2020 Permit BP006458 issued to reactivate Permit BP003589.
- Jun 23, 2020 Site visit conducted by Building Inspector. Deck reviewed as part of check.
- Aug 25, 2020 Permit BP006458 completed.
- Feb 22, 2021 Development Variance Permit (DVP) issued by Islands Trust for a small shed structure constructed on the retaining wall. The DVP specifically excluded the deck built around the RV trailer.
- Mar 30, 2021 Letter sent to the owner by registered mail referencing the site visit of June 29, 2016 advised that construction of the deck was completed without a building permit and the DVP confirmed approval for the deck had not be obtained from Islands Trust. Approval from Islands Trust and a building permit application required by May 3, 2021.
- Sep 1, 2021 Letter sent to the owner by registered mail referencing the letter of March 30, 2021 advised that, as no response had been received, the next step would be to register a notice on title and then refer the file for further action.
- Oct 25, 2021 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 18, 2022 Chief Building Inspector left a telephone message with the owner requesting a return call to discuss the owner's intentions.



Appendix B

Photos:

June 24, 2016





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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 12, 2022**

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**SUBJECT**     **File Notice on the Land Title of 1749 Fulford-Ganges Road, Lot A, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870, File NT000351**

**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 April 1, 2005, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

To remedy a Stop Work Notice, building permits were issued for a carport and workshop constructed without permits. The workshop permit expired and the carport file was closed, citing “storage—low human occupancy” as the use. Following a change of ownership in 2011, a site visit confirmed the carport was being used as a cabin. The new owners were advised of the violations and indicated they would work toward compliance.

A site visit on February 23, 2022 revealed work continued on the carport and workshop without valid permits, as well as new infractions: accessory building constructed without permits or approvals, recreational vehicles used as dwellings and unpermitted sewerage treatment and disposal.

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.

**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.

**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.

## **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, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870 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 A, Section 69, South Salt Spring Island, Cowichan District, Plan VIP85741, PID 027-679-870 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Chief Building Inspector and Manager, Building Inspection
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

- Apr 1, 2005 Stop Work Notice posted on a structure constructed over a trailer and occupied without a building permit, land use approvals or occupancy. Photos taken.
- Apr 4, 2005 Letter sent to the owner advised that the Stop Work Notice was posted and requested they contact the office within 15 days with a plan outlining how the outstanding issues will be resolved.
- Apr 6, 2005 The owner advised the Building Inspector of plan to proceed with legal action against the tenant who built the structure over the trailer without permission. Building Inspector agreed to not proceed with enforcement at this time.
- Nov 29, 2005 Letter sent to the owner requested they contact the Building Inspection office by December 29, 2005 in order to arrange a site visit to verify that the structure had been removed. If the structure remained present, a building permit application would be required by that date. Failure to bring this file to resolution would result in the file being referred to CRD Bylaw Enforcement.
- Jan 3, 2006 Site visit conducted by Building Inspector confirmed work continued on structure over the trailer, as well as construction of a second structure. Photos taken.
- Jan 5, 2006 Letter sent to the owner referencing the Stop Work Notice and site visit on January 3, 2006 required a building permit application be submitted by January 19, 2006.
- Jan 17, 2006 BC Property Assessment document confirmed change in ownership, effective January 3, 2006.
- Apr 23, 2007 Building permit SS07-150 issued to construct Accessory Building – Workshop.  
Building permit SS07-151 issued to construct Accessory Building – Carport for the structure built over the trailer.
- Sep 4, 2009 Final inspection of carport failed. Permit SS07-151 closed with note from Building Inspector that the structure may be used as low human occupancy storage as an accessory building.
- Sep 7, 2009 Permit SS07-150 (workshop) not completed. Owner stated building would be demolished within the year.
- Jul 19, 2011 Change in ownership to current owners.
- Jun 14, 2012 Site visit conducted by Building Inspector. Carport being used as a cabin. Photos taken.
- May 16, 2014 Permit SS07-150 (workshop) expired.

- Feb 25, 2020 Building permit application BP006144 received to construct Accessory Building – Barn.
- Apr 16, 2020 Email sent to the owners required additional information to process application.
- Aug 14, 2020 Owners requested a four-month extension to get structural drawings. Building Inspector granted extension to December 24, 2020.
- Nov 20, 2020 Email sent to the owners advised the application would be cancelled December 24, 2020 and requested an update on the status of remedying the violations.
- Jan 4, 2021 Email sent to the owners requested an update regarding the documents required for the barn application.  
  
Email received from the owners advised they would be significantly modifying the plans (i.e., adding a hayloft, changing the footprint).  
  
Email sent to the owners advised that a new application would be required for the barn within 60 days. Letter to follow.
- Jan 7, 2021 Letter sent to the owners by registered mail referencing BP006144 advised that the application had been cancelled and a new application would be required by March 5, 2021.
- Jan 19, 2021 Phone call received from the owners.  
  
Email sent to the owners referencing the phone call advised that the March 5, 2021 deadline could be disregarded as the new structure is not part of the violations for the property. Letter to follow.
- Jan 25, 2021 Letter sent to the owners by registered mail referencing BP006144 required a site inspection be booked by February 25, 2021 in order to close the two violation files (carport and workshop).
- Feb 2, 2021 Email received from the owners indicated an inspection would be booked soon. The owners confirmed their family was occupying the carport as a cabin (alterations made without permits or approvals).
- Feb 19, 2021 Email sent to the owners required an inspection to be booked by February 25, 2021 in order to assess the violations and determine next steps.
- Feb 25, 2021 No inspection requested as of this date.
- Feb 10, 2022 Site visit conducted by Building Inspector. Photos taken.
- Feb 14, 2022 Building Inspector referred property to Island Health for unknown sewerage treatment/disposal.
- Feb 23, 2022 Joint site visit conducted by Building Inspector with Island Health and Islands Trust officers. Further building infractions included construction of a new Accessory Building with permits or approvals and recreational vehicles occupied as dwellings. Photos taken.

- Mar 2, 2022      Email sent to the owners from Island Health included a Public Health Order advising them to address contraventions to the sewerage system regulation.
- Jul 8, 2022      Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 18, 2022     Chief Building Inspector contacted the owners and discussed the notice on title process and possible consequences, as well as the non-conforming buildings. The owners understand and have no objection to the proposed notice on title at this time.

Appendix B

Photos:

April 1, 2005



January 3, 2006



June 14, 2012



February 10 and 23, 2022



Carport / Cabin

January 3, 2006



June 14, 2012



February 23, 2022



Workshop



February 23, 2022



New Accessory Building

February 23, 2022



Recreational Vehicles Used as Dwellings



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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 12, 2022**

---

**SUBJECT**     **File Notice on the Land Title of 600 Isabella Point Road, The North East ¼ of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491, File NT000326**

**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 July 22, 2008, CRD Building Inspection staff has attempted to persuade the owner to comply with Building Regulation Bylaw No. 3741 (see Appendix A-History).

Stop Work Notices were posted on one Mobile Home and six Accessory Buildings on October 17, 2011. Building permits were issued. Several were completed while others were expired. Alterations and additions without permits or approvals were subsequently made to several structures. On October 26, 2021 two new Accessory Buildings were discovered constructed and occupied without permits or approvals.

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.

**3.1.3 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.

**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.

## **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: The North East ¼ of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491 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: The North East ¼ of Section 42, South Salt Spring Island, Cowichan District, Except Those Parts in Plans 2716, 14152, 42767 and VIP67045 Except Parcel C (DD 78931-I), PID 000-400-491 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Chief Building Inspector and Manager, Building Inspection
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

- Jul 22, 2008 Permit SS08-264 issued for Move-In Mobile Home #1 (Mobile Home).
- Nov 24, 2008 Final inspection conducted by Building Inspector. Photo taken.
- Apr 10, 2010 Certificate of Occupancy (CO) issued for Mobile Home.
- Jul 18, 2011 Permit application received for Move-In Single Family Dwelling (SFD). Building Inspector determined additional documents were required for processing.
- Oct 17, 2011 Stop Work Notice posted on Move-In Mobile Home #2 (Farm Use Mobile) and Accessory Buildings (Chicken Coop #1, Chicken Coop #2, Barn, Greenhouse #1 and Greenhouse #2) built without permits or approvals. Photos taken.
- Oct 24, 2011 Letters sent to the owner by registered mail advised of the Stop Work Notice and required building permit applications for the above structures.
- Jan 17, 2012 Permit SS12-008 issued for Move-In SFD.
- Oct 22, 2013 Permit SS13-217 issued for installation of plumbing to Move-In SFD.
- Dec 27, 2013 Permit SS13-273 issued for construction of Chicken Coop #1.  
Permit SS13-274 issued for construction of Chicken Coop #2.
- Dec 29, 2014 Permit SS13-273 (Chicken Coop #1) expired with no inspections.  
Permit SS13-274 (Chicken Coop #2) expired with no inspections.
- Feb 11, 2016 Permit BP001872 issued for reactivation of Chicken Coop #1. Final inspection passed. Permit closed as completed.  
Permit BP001873 issued for reactivation Chicken Coop #2. Final inspection passed. Permit closed as completed.
- Feb 12, 2016 Permit BP001881 issued for reactivation of Move-In SFD.  
Permit BP001882 issued for construction of Barn. Final inspection passed. Permit closed as completed.  
Permit BP001883 issued for Farm Use Mobile.  
Permit BP001884 issued for construction of Greenhouse #1. Final inspection passed. Permit closed as completed.  
Permit BP001885 issued for construction of Greenhouse #2. Final inspection passed. Permit closed as completed.
- Mar 3, 2016 Permit BP001882 (Barn) completed.

- Feb 12, 2018 Permit BP001883 (Farm Use Mobile) expired with no inspections.
- Nov 27, 2019 Permit BP005902 issued for second reactivation of Move-In SFD.  
Permit BP005903 issued for additional installation of plumbing to Move-in SFD.
- Dec 5, 2019 Letter sent to the owner advised that permit BP001883 (Farm Use Mobile) expired February 12, 2018. Deadline for reactivation January 6, 2020.
- Mar 5, 2020 Letter sent to the owner advised permit BP001883 (Farm Use Mobile) expired February 12, 2018. Deadline for reactivation extended to March 20, 2020.
- Mar 26, 2020 Letter sent to the owner referencing letter of March 5, 2020 advised that permit BP001883 (Farm Use Mobile) expired February 12, 2018 and the next step would be a notice on title. Deadline for reactivation extended to April 9, 2020.
- Oct 22, 2020 Permit BP006783 issued for reactivation of Farm Use Mobile.  
Letter sent to the owner with deficiencies and requirements to complete the Move-In SFD and plumbing, including that the Farm Use Mobile comply with Islands Trust Bylaw 355 (no habitation) before occupancy would be issued for the Move-In SFD.
- Dec 24, 2020 Email sent to the owner included a copy of the Certificate of Occupancy (CO) issued April 10, 2010 for SS08-264 (Mobile Home) per owner's request.
- Feb 2, 2021 Permit BP005902 (Move-In SFD second reactivation) expired. Letter sent to the owner advised that reactivation was required by March 2, 2021.
- Mar 17, 2021 Email received from Islands Trust advised that land use and zoning allows one SFD, one additional dwelling and one seasonal cottage. Secondary suite inside the principal dwelling was not permitted.
- Mar 22, 2021 Permit BP006783 (Farm Use Mobile reactivation) expired with no inspections.
- Mar 24, 2021 Letter sent to the owner by registered mail referencing letters of October 17, 2011, October 22, 2020 and February 2, 2021 advised that the next step would be to register a notice on title and then refer the file for further action.
- Oct 18, 2021 Call to owner advised that a site visit was scheduled for October 26, 2021.  
Email received from owner requested the building permit for Farm Use Mobile be cancelled and permit fees refunded, referencing the CO issued April 10, 2010 for Mobile Home.
- Oct 19, 2021 Email response advised owner to discuss permit refund request with Building Inspector during site visit.

- Oct 26, 2021      Site visit completed. Photos taken. Outstanding issues include:
- Mobile Home: CO issued, subsequent alterations made without permits or approvals;
  - Move-In SFD: permits expired, no CO issued, alterations and additions made without permits or approvals;
  - Farm Use Mobile: permits expired, alterations and additions made without permits or approvals;
  - Barn: alterations and possible change of use without permits or approvals;
  - New Accessory Building #1: constructed and occupied as dwelling without permits or approvals;
  - New Accessory Building #2: constructed and occupied as dwelling without permits or approvals; and
  - Recreational Vehicles (RVs): occupied as dwellings.
- Nov 26, 2021      Email sent to Islands Trust and Island Health advised that a recommendation would be made to register a notice on title, citing the above violations.
- Nov 26, 2021      Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 18, 2022      Chief Building Inspector left a phone message with owner asking for a return call to discuss the owner's intentions.

Appendix B

Photos:

November 24, 2008



October 26, 2021



Move-In Mobile Home #1 (Mobile Home)

October 17, 2011



October 26, 2021



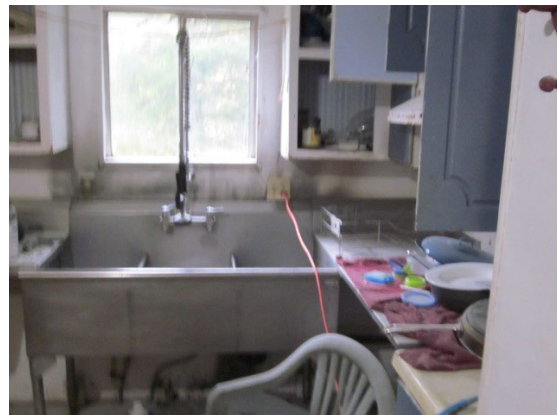
Move-In Single Family Dwelling



October 17, 2011



October 26, 2021



Move-In Mobile #2 (Farm Use Mobile – No Habitation)

October 17, 2011



October 26, 2021



Accessory Building (Barn)

October 26, 2021



Accessory Building (New #1) Occupied as Dwelling

October 26, 2021



Accessory Building (New #2) Occupied as Dwelling

October 26, 2021



Recreational Vehicles Occupied as Dwellings



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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 12, 2022**

---

**SUBJECT**     **File Notice on the Land Title of 289 Stewart Road, Lot A, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854, File NT000363**

**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 January 14, 2019, CRD Building Inspection staff has attempted to persuade the owners to comply with Building Regulation Bylaw No. 3741 (see Appendix A - History).

A building permit issued January 14, 2019 to construct an addition to a Single Family Dwelling expired August 24, 2021. No responses were received to emails and letters sent advising the owners to renew the building permit. To date, a final inspection has not been passed and a Certificate of Occupancy has not been issued.

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.

**3.1.3 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.

**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.

## **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, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854 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 A, Section 77, South Salt Spring Island, Cowichan District, Plan 45747 Except Part in Plan VIP51969, PID 008-612-854 or any subdivision of said lands as may be affected by the contravention(s).

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

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

- Jan 14, 2019 Building permit BP004971 issued to construct an addition to a Single Family Dwelling (SFD).
- Oct 9, 2019 Email received from the owners advised that the applicant and builder were no longer involved with the project and the owners would become the main contact going forward.
- Jul 7, 2020 Email sent to the owners advised that building permit BP004971 would expire August 14, 2020 if an inspection was not booked.
- Aug 13, 2020 Final inspection failed.
- Jul 12, 2021 Email sent to the owners advised that building permit BP004971 would expire if not renewed by July 23, 2021.
- Jul 15, 2021 Email received from the owners to enquire about next steps.
- Jul 22, 2021 Email sent to the owners advised that a final inspection would need to be booked and passed by August 5, 2021. If not, permit renewal would be required.
- Aug 5, 2021 No final inspection booked.
- Aug 10, 2021 Email sent to the owners referencing email of July 22, 2021 advised that, as the final inspection had not been completed, permit renewal would be required by August 24, 2021.
- Aug 24, 2021 Building permit BP004971 expired.  
Letter sent to the owners advised that building permit BP004971 had expired and permit renewal would be required by September 7, 2021.
- Sep 7, 2021 No renewal application received.
- Sep 15, 2021 Letter sent to the owners by registered mail referencing the letter of August 24, 2021 advised that the next step would be to register a notice on title and refer the file for further action. To avoid this step, a renewal application would need to be submitted by September 27, 2021.
- Sep 27, 2021 No renewal application received.
- Jun 27, 2022 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 14, 2022 Site visit conducted by Building Inspector. Photo taken.
- Sep 13, 2022 Chief Building Inspector left a phone message with the owners to discuss the matter of non-compliance.

**Appendix B**

**Photos:**

July 15, 2022







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**REPORT TO ELECTORAL AREAS COMMITTEE  
MEETING OF WEDNESDAY, OCTOBER 12, 2022**

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**SUBJECT**     **File Notice on the Land Title of 484 Cherry Tree Bay Road, Lot 1, Section 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200, File NT000330**

**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 February 19, 2014, 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 application was received February 19, 2014 to construct a storage building. The Building Inspector required certain conditions be met prior to issuance, including reactivation of an expired permit to complete a Single Family Dwelling (SFD). This expired permit was re-issued on September 29, 2014 and the storage building permit was issued December 8, 2014.

The SFD and storage building permits expired January 18, 2017. A registered letter sent to the owner advised that failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice being registered on the land title. No response received, and work proceeded without the required 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, 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.

## **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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 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 14, Mayne Island, Cowichan District, Plan 16306, PID 004-486-200 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Chief Building Inspector and Manager, Building Inspection
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History  
Appendix B: Photos

**Appendix A**

**History:**

- Feb 19, 2014 Building permit application received to construct a storage building.
- Mar 13, 2014 Email sent to the owner advised that the Chief Building Inspector required the following conditions to continue processing the application:
- Reactivation of permit MA09-108 (expired January 13, 2012) to complete construction of the Single Family Dwelling (SFD);
  - Foundation plan and engineer truss design and specifications;
  - Driveway access permit from the fire department; and
  - BC land survey for flood control required.
- Jun 25, 2014 Email sent to the owner advised that the Building Inspector reviewed the files and the above conditions were still required to process the application.
- Sep 29, 2014 Permit BP000170 issued for addition to SFD (reactivation of MA09-108).
- Dec 8, 2014 Permit BP000171 issued to construct storage building and workshop.
- Jan 15, 2015 Site visit conducted by the Building Inspector. Photos taken.
- Feb 19, 2015 Stop Work Notice posted for construction of accessory building. Photos taken.
- Feb 23, 2015 Letter sent to the owner advised that the CRD required the engineer's approvals prior to pour and framing inspection. The Stop Work Notice would be removed once written approvals were received from the engineer.
- Mar 13, 2015 Site visit conducted by the Professional Engineer.
- Apr 16, 2015 Site visit conducted by the Building Inspector. Stop Work Notice removed following Professional Engineer's site review report.
- Jan 18, 2017 Permits BP000170 and BP000171 expired.  
Letter sent to the owner by registered mail advised that new permits would be required to complete the work. Failure to reinstate the building permits, carry out a final inspection and close the file would result in a notice on title.
- Dec 17, 2019 Site visit conducted by Building Inspector. Photos taken.
- Mar 2, 2021 Site visit conducted by Building Inspector. Work proceeded without the required building permit. Photos taken.  
Building Inspector recommended registration of a notice on title for work carried out without passed inspections, work not in accordance with permit, building code deficiency, and permits expired with no response to letters.
- Apr 9, 2021 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Mar 18, 2022 Chief Building Inspector attempted to contact the owner by telephone but was unable to make contact or leave a message.
- Mar 30, 2022 Invitation letter and staff report sent to the owner.
- Apr 13, 2022 The Electoral Areas Committee (EAC) deferred the recommendation for 90 days.

- May 9, 2022 Letter sent to the owner referencing March 30, 2022 letter and April 13, 2022 EAC meeting advised that compliance was required prior to July 13, 2022.
- Jul 13, 2022 As of this date, a building permit application has not been received and compliance has not been achieved.
- Jul 18, 2022 Chief Building Inspector left a telephone message with the owner requesting a return call to discuss the owner's intentions.

Appendix B

Photos:

January 15, 2015



February 19, 2015



December 17, 2019



March 2, 2021





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## REPORT TO ELECTORAL AREAS COMMITTEE MEETING OF WEDNESDAY, OCTOBER 12, 2022

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**SUBJECT**     **File Notice on the Land Title of 266 Leighton Lane, Lot 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081, File NT000353**

### **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 July 4, 2019, 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 Notice was posted July 4, 2019 for decks constructed on the foreshore without building permits or land use approvals. Site visits were conducted and multiple letters were sent to the owner, but no building permit application was received.

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 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.

### **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 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081 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 234, Section 6, Mayne Island, Cowichan District, Plan 23981, PID 002-950-081 or any subdivision of said lands as may be affected by the contravention(s).

Submitted by:	Mike Taylor, RBO, Chief Building Inspector and Manager, Building Inspection
Concurrence:	Emily Sinclair, MCIP, RPP, Acting General Manager, Planning & Protective Services

## **ATTACHMENTS**

Appendix A: History

Appendix B: Photos



**Appendix A**

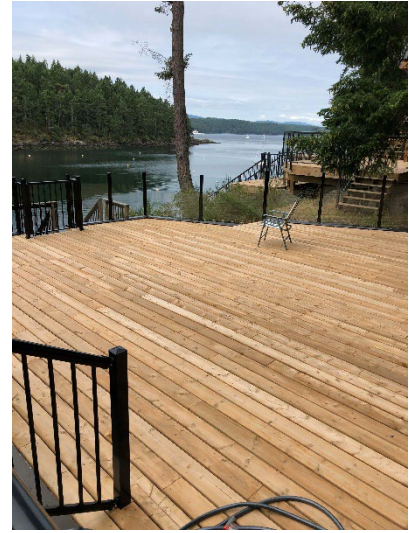
**History:**

- Jul 4, 2019 Stop Work Notice posted for decks constructed on the foreshore without building permits or land use approvals. Photos taken.
- Jul 12, 2019 Letter sent to the owner by registered mail advised that the Stop Work Notice was posted and a building permit application was required by August 6, 2019.
- Aug 15, 2019 Site visit conducted by Building Inspector.
- Aug 22, 2019 Letter sent to the owner by registered mail referencing the letter of July 12, 2019 and site visit of August 15, 2019 advised that, as no response was received, the next step would be to register a notice on title and refer the file for further action.
- Oct 10, 2019 Email received from the owner requesting assistance with the application.  
Email sent to the owner advised that the following items were required: additional information for building plans, building permit, geotechnical and structural engineering for work carried out to date and contract estimate for work to date.
- Oct 16, 2019 Site visit conducted by Building Inspector.
- Nov 5, 2019 Email received from the owner authorizing the realtor to act on their behalf.
- Nov 14, 2019 Site visit conducted by Building Inspector. Instructed realtor and owner to apply for a building permit with Islands Trust approval, site plan, building plan and Professional Engineer report for glass railings. The Building Inspector noted structural issues and advised the deck may need to be dismantled to install proper footings' beams and posts. Photos taken.
- Apr 16, 2020 Email received from Islands Trust indicated no referral had been received and a bylaw enforcement file had been opened.
- Jun 23, 2021 Development Variance Permit issued by Islands Trust.  
Letter sent to the owner by registered mail referencing the letters of July 12 and August 22, 2019 and site visits of August 15, October 16, and November 14, 2016 advised a notice on title would be recommended. No response received.
- Sep 16, 2021 Letter sent to the owner by registered mail referencing the letters of July 12 and August 22, 2019 and June 23, 2021 and site visits of August 15, October 16, and November 14, 2016 advised that a staff report was being drafted.
- Sep 21, 2021 Site visit conducted by Building Inspector. Photos taken.
- Jan 14, 2022 Chief Building Inspector authorized an invitation letter and staff report be prepared for committee.
- Jul 18, 2022 Email sent to the owner from the Chief Building Inspector to discuss intentions.

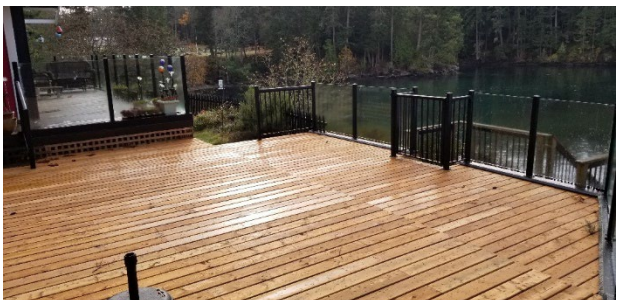
Appendix B

Photos:

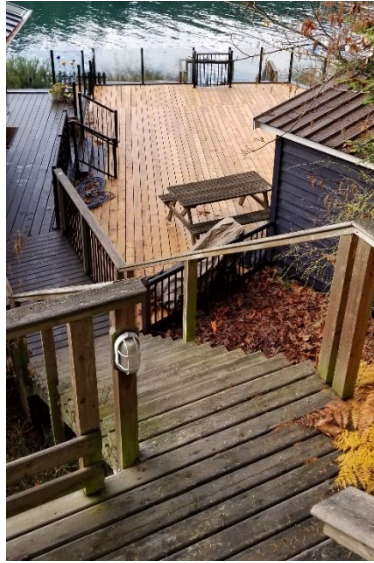
July 4, 2019



November 14, 2019



November 14, 2019 continued



September 21, 2021

