



## PEACE RIVER REGIONAL DISTRICT

### Peace River Regional District Board Addendum Agenda

June 25, 2020, The PRRD Board meeting will begin immediately following a CoW meeting  
1981 Alaska Avenue, Dawson Creek, BC

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# REPORT

To: Chair and Directors

Report Number: ADM-BRD-012

From: Tyra Henderson, Corporate Officer

Date: June 4, 2020

**Subject: Section 57 Notices: PID 024-899-283 and PID 012-097-624**

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## **RECOMMENDATION #1: [Corporate Unweighted]**

That whereas the Building Inspector has provided a recommendation to the Corporate Officer according to Section 57(1)(b) of the *Community Charter* that a notice be placed on the title of the property identified as PID 024-899-283 regarding construction of 3 dwellings, 2 additions to an accessory building and 20 storage containers without building permits and contrary to the PRRD Building Bylaw; and

The Corporate Officer provided notice to the property owner, according to Section 57 of the *Community Charter*, of the Board's intent to consider placing a notice on title, and provided the property owner the opportunity to address the Board prior to the Board making a decision to place a notice on the title; therefore be it resolved

That the Board require the Corporate Officer, as authorized by Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*, to place a notice on title to the property identified as PID 024-899-283 regarding construction of 3 dwellings, 2 additions to an accessory building and 20 storage containers without building permits and contrary to the PRRD Building Bylaw.

## **RECOMMENDATION #2: [Corporate Unweighted]**

That whereas the Building Inspector has provided a recommendation to the Corporate Officer according to Section 57(1)(b) of the *Community Charter* that a notice be placed on the title of the property identified as PID 012-097-624 regarding construction of a dwelling and accessory buildings without a building permit and contrary to the PRRD building bylaw regulations; and

The Corporate Officer provided notice to the property owner, according to Section 57 of the *Community Charter*, of the Board's intent to consider placing a notice on title, and provided the property owner the opportunity to address the Board prior to the Board making a decision to place a notice on the title; therefore be it resolved

That the Board require the Corporate Officer, as authorized by Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*, to place a notice on title to the property identified as PID 012-097-624 regarding construction of a dwelling and accessory buildings without a building permit and contrary to PRRD Building Bylaw.

**BACKGROUND/RATIONALE:**

Section 57 of the *Community Charter* provides a local government with the authority to place a notation on title to a property when the government is aware that a building has been constructed without a permit, or contrary to building code or building bylaw regulations. This is done primarily as a 'warning' to future property owners, who may otherwise not be made aware of the situation and also may protect the local government from liability for negligent misrepresentation claims regarding the permitting history of a property.

These properties are located in the mandatory building permit area and prospective purchasers may therefore assume that the construction was inspected and completed in compliance with the prevailing construction standards and bylaws.

The building inspector has provided separate background information in the attached memos summarizing the history of the construction/placement of the structures on each of these properties.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board receive the report titled "Section 57 Notice on Title- PID 024-899-283 and PID 012-097-624" dated June 4, 2020 for information.
2. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

☒ Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):**

In addition to legal fees in the approximate amount of \$143.00 per property, a filing fee of \$74.87 is paid to the Land Title and Survey Authority for registration of the notice on the title.

**COMMUNICATIONS CONSIDERATION(S):**

As required by the *Local Government Act*, a letter was sent to the owners of the properties via registered mail advising that the Board would consider placement of a Section 57 notice on the title to the property on June 25, 2020 and providing the owners with the opportunity to address the Board prior to its decision.

None of the property owners expressed a desire to speak to the Board prior to the Board considering placement of notices on the titles to their properties.

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Memo from Building Inspector titled "Notice on Title- PID 024-899-283".
2. Memo from Building Inspector titled "Notice on Title- PID 012-097-624".



# MEMO

To: Tyra Henderson, Corporate Officer

Date: May 11, 2020

From: Devon Bacon, Building Inspector

Subject: Notice on Title- PID 024-899-283

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## RECOMMENDATION:

That a notice be filed in the Land Title Office, in accordance with Section 57 (1)(b) of the *Community Charter* and Section 302 c) of the *Local Government Act*, against the title of Lot A, Section 36, Township 83, Range 18, W6M, PRD, Plan PGP 46205. (The Property) disclosing that 3 dwellings, 2 additions to an accessory structure and 20 storage containers on the property were constructed without building permits.

## BACKGROUND/RATIONALE:

**911 Civic:** 5943 242 Road; **PID:** 024-899-283; **Folio:** 760-008308.010; **Landowner:** [REDACTED];

**Legal Land Description:** Lot A, Section 36, Township 83, Range 18, W6M, PRD, Plan PGP 46205.

**November 23, 2018-** an application for a building permit for a modular on pilings was submitted. Landowner authorization was also received.

**November 27, 2018-** the BEO sent an email to the applicant requesting more information required as part of the application. The information that was submitted indicated there was another dwelling on the property and that the intention was to convert the existing dwelling to a greenhouse. A second building permit would be required for this change of occupancy.

**November 2018- September 2019-** attempts by the BEO and the NP Land Use Planner to obtain more information required for the applications were not successful, the applicant did not return calls or emails.

**May 14, 2019-** Building Inspection and Bylaw Enforcement staff began a review structures that require a Notice on Title- *Community Charter Section 57*. The focus was on construction that had an expired building permit or had commenced without a permit and landowners either were not co-operating with staff to correct the situations or the construction has progressed such that inspections are no longer possible.

**November 4, 2019-** The BEO became aware that the modular home that was the subject of the application in 2018 was now on the property. Further investigation by the BEO found that a second manufactured home had been placed on the property without a building permit, several storage containers were placed without building permits, 2 additions were constructed on a shop used for a business called S & S Turbine Services without a building permit and that the initial construction of this shop was subject to a Stop Work Notice on January 8, 1999. DVP No. 30.00 was issued on November 23, 2000 for 3200ft<sup>2</sup> of accessory building floor area. This was to correct the excess square footage that was caused when Lot 2 and Lot 3, Block 2 Section 36, Township 83, Range 18, W6M, PRD PI 12215 were consolidated to create Lot A, Section 36, Township 83, Range 18, W6M, PRD, Plan PGP 46205.



Building permits would not have been issued for all the dwellings, additions and storage containers as they exceed the maximum number of dwellings and/or accessory building floor area permitted on the property. In addition the business is not permitted on the property as it does not meet the regulations of a Home Based Business. The BEO issued Bylaw Notice Enforcement Ticket No. PRRD 00159 for the failure to obtain building permits.

**November 2019-April 2020-** attempts by the BEO and the NP Land Use Planner to obtain more information required for the applications were not successful, the applicant did not submit all the required information.

**April 30, 2020-** sent an email giving until May 8, 2020 to submit all the information required to be able to issue the building permit for his modular home.

**May 11, 2020-** A Section 57 is recommended as staff are unable to issue the required building permits due to restrictions imposed by the zoning and building bylaw regulations.

Attachments:

1. Photos of the dwellings and accessory buildings that are the subject of this report.
2. Map showing location of this property.











# Peace River Regional District

8-May-2020

**PID:** 024899283  
**Roll Number:** 760-008308.010  
**Legal Description:** LOT A SECTION 36 TOWNSHIP 83 RANGE 18 WEST OF THE 6TH MERIDIAN  
PEACE RIVER DISTRICT PLAN PGP46205

## Parcel Size

2.41 Hectares      5.96 Acres



This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Peace River Regional District should be contacted for information regarding other conditions such as easements, rights-of-way or covenants.





# MEMO

To: Tyra Henderson, Corporate Officer

Date: May 8, 2020

From: Devon Bacon, Building Inspector

Subject: Notice on Title- PID 012-097-624

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## RECOMMENDATION:

That a notice be filed in the Land Title Office, in accordance with Section 57 (1)(b) of the *Community Charter* and Section 302 c) of the *Local Government Act*, against the title of Lot 5, Block 5, Section 2, Township 84, Range 19, W6M, PRD, Plan 15012. (The Property) disclosing that the dwelling and 3 accessory buildings on the property were constructed without building permits.

## BACKGROUND/RATIONALE:

**911 Civic:** 12268 Oak Ave; **PID:** 012-097-624; **Folio:** 760-010044.000; **Landowner:** [REDACTED]; **Legal Land Description:** Lot 5, Block 5, Section 2, Township 84, Range 19, W6M, PRD, Plan 15012.

**October 29, 2018-** The BEO received a complaint about a shed located within the mandatory parcel line setback on the west side.

**November 6, 2018-** The BEO spoke to BC Land Surveyors from McElhaney who confirmed that corner pins on the West side of this property had been recently placed and are considered accurate to within millimeters.

**January 25, 2019-** The BEO and the BI located the pins with a metal detector and determined that the shed was 20.5 inches into the mandatory interior side parcel line setback.

**May 14, 2019-** Building Inspection and Bylaw Enforcement staff began a review of structures that require a Notice on Title- *Community Charter Section 57*. The focus was on construction that had an expired building permit or had commenced without a permit and landowners either were not co-operating with staff to correct the situations or the construction has progressed such that inspections are no longer possible.

**June 29, 2019-** The landowner received a letter giving a July 31, 2019 deadline to move the shed out of the parcel line setback. The landowner refused and contacted the Director of Electoral Area "C" resulting in the BEO being asked to put enforcement on hold.

**July 17, 2019-** Conducting further investigation of PRRD records, the BEO determined that there were no building permits for any of the 4 structures on this property and that each of the structures required a building permit.

**April 16, 2020-** The Electoral Area "C" Director authorized the file to be re-activated.

**May 8, 2020-** A Section 57 is recommended as staff have confirmed that none of the structures (3 sheds and a dwelling) on the property were constructed or placed with a building permit. One of the sheds was placed between April 13, 2018 and November 6, 2018. Building permits for some of the accessory structures may have been refused had they been applied for, as it appears that the existing structures may exceed the maximum accessory building floor area permitted on this parcel.

Attachments:

1. Photos of the dwelling and accessory buildings that are the subject of this report.
2. Map showing location of this property.





PID 012-097-624







# Peace River Regional District

8-May-2020

**PID:** 012097624  
**Roll Number:** 760-010044.000  
**Legal Description:** LOT 5 BLOCK 5 SECTION 2 TOWNSHIP 84 RANGE 19 WEST OF THE 6TH MERIDIAN PEACE RIVER DISTRICT PLAN 15012

**Parcel Size**

0.20 Hectares

0.50 Acres



This map is a user-generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Peace River Regional District should be contacted for information regarding other conditions such as easements, rights-of-way or covenants.



# REPORT

To: Chair and Directors

Report Number: ADM-BRD-011

From: Tyra Henderson, Corporate Officer

Date: June 23, 2020

Subject: Notice of Closed Session – June 25, 2020

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board recess to a Closed Meeting for the purpose of discussing the following items:

**Agenda Item M-1** – Closed Meeting Minutes (CC Section 97(1)(b))

**Agenda Item R-1** – Litigation (CC Section 90 (1)(c)(g)(i) and (k))

## **BACKGROUND/RATIONALE:**

As per the Closed Meeting Process and Proactive Disclosure Policy.

## **ALTERNATIVE OPTIONS:**

1. The Board may recess to a Closed Meeting to discuss whether or not the items proposed properly belong in a Closed Session. *Community Charter* Section 90(1)(n).

## **STRATEGIC PLAN RELEVANCE:**

☒ Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):** N/A

**COMMUNICATIONS CONSIDERATION(S):** N/A

**OTHER CONSIDERATION(S):** N/A

**NOTICE OF REQUEST FOR REVIEW**  
***Freedom of Information and Protection of Privacy Act***

June 24, 2020

**To: The Applicant**

Tyra Henderson  
Corporate Officer  
Peace River Regional District  
By Email [tyra.henderson@prrd.bc.ca](mailto:tyra.henderson@prrd.bc.ca)

**To: The Public Body (Ministry of Energy,  
Mines and Petroleum Resources)**

Melissa Boyd  
FOI Specialist  
Information Access Operations  
By Email [IAOResourceTeam@gov.bc.ca](mailto:IAOResourceTeam@gov.bc.ca)

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The applicant has requested that this Office ("OIPC") review the public body's decision to withhold information under section 15 of the *Freedom of Information and Protection of Privacy Act* ("FIPPA") in response to the applicant's request of December 19, 2019 under section 5 of FIPPA. As required by section 54 of FIPPA, I am enclosing a copy of the applicant's request for review for the public body.

**OIPC Procedure**

We opened this case as of April 27, 2020 and have assigned it to Senior Investigator Monique LeBlanc. The investigator will conduct a mediation of the request for review. The intent of the mediation process is to facilitate a settlement of the issues and to ensure that the applicant has received access to all records to which the applicant is entitled under FIPPA. If the parties are unable to reach a settlement, we may hold an inquiry. The investigator has the delegated authority to decide whether or not all or part of a matter should proceed to inquiry. If an inquiry is held, an adjudicator will decide the issues in dispute and issue an order.

**Records in Dispute**

I request that the Ministry of Energy, Mines and Petroleum Resources produce an **unsevered** copy of the records in dispute to the attention of Senior Investigator Monique LeBlanc. Please prepare the records as follows:

1. The pages of disputed records must be numbered clearly.
2. Information that has been severed and withheld must be highlighted, boxed or otherwise clearly marked to show that it has been withheld or severed.

3. The section number (and subsection where applicable) of FIPPA that is relied upon for each severance must be clearly indicated next to the withheld information.
4. We also request public bodies, wherever practicable, to provide a table listing the records in dispute by record or page number and listing the section of FIPPA applied by record or page number.

Please forward a copy of the records in dispute to the OIPC within 15 business days of the date of this letter.

As records often contain personal information or other sensitive information, the OIPC suggests that electronic records be sent using a secure method of transmission. Sending unencrypted records by email attachment is not considered a secure method of transmission. Files attached to an email should be encrypted and sent to ***info@oipc.bc.ca***. Files can also be encrypted and saved on mobile storage devices such as flash drives or DVDs, and sent by post or courier. The encryption key should be sent by a different method.

If sending paper records ensure the method of delivery includes the ability to track the package through the delivery process.

If you are attempting to send a large volume (10-20MB) of records by email our firewall may reject it. Please ask us about our secure file transfer application for large files.

### **Contact Information**

If you have questions regarding this office's review and other processes, please see our FIPPA Guide to OIPC Processes, available on our website at <http://www.oipc.bc.ca/guidance-documents/1599>.

Please address future correspondence to Senior Investigator Monique LeBlanc. You may contact Senior Investigator LeBlanc directly at (250)387-0354, or by using the toll-free Enquiry BC phone line, which is (604) 660-2421 if you are calling from the Greater Vancouver area, or 1-800-663-7867 if you are calling from elsewhere in the province. A telephone operator will transfer your call free of charge.

Sincerely,

Ania Kokas  
Case Review Officer

Encl.



## PEACE RIVER REGIONAL DISTRICT

April 27, 2020

Information and Privacy Commissioner  
PO Box 9038 Stn Prov Govt  
4<sup>th</sup> Floor, 947 Fort Street,  
Victoria, BC V8W 9A4

**Via Fax: (250) 387-1696**

Dear Sir/Madam:

**Re: Request for Review – FOIPPA Request to Province - File EMP-2019-98491**

The Board of the Peace River Regional District would like to request the Information and Privacy Commissioner to review the February 28, 2020 decision from the Ministry of Citizens Services to withhold “all relevant reports related to the Old Fort Landslide”, pursuant to section 15 (Disclosure harmful to law enforcement) of the *Freedom of Information and Protection of Privacy Act*.

We have enclosed:

- a) A copy of the Peace River Regional District’s original request;
- b) A copy of Ministry of Citizens Service’s response

The Regional Board was disappointed that no information held by the Province was able to be shared, as there are residents in the vicinity of the slide who often ask if the cause of the slide is known, and if the mining operation above the slide is going to recommence. There are some properties that remain under evacuation alert and order due to the landslide, and the PRRD is interested in fully understanding the situation in order to be able to consider lifting these alerts.

If you have any questions or require additional information, please direct your written response to Tyra Henderson, Corporate Officer at [tyra.henderson@prrd.bc.ca](mailto:tyra.henderson@prrd.bc.ca) or by fax to (250) 784-3201.

Yours truly,

*Tyra Henderson*

Tyra Henderson  
Corporate Officer

Enc.

c. Melissa Boyd, FOI Specialist, [IAOResourceTeam@gov.bc.ca](mailto:IAOResourceTeam@gov.bc.ca)

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**PLEASE REPLY TO:**

☒ Box 810, 1981 Alaska Ave, Dawson Creek, BC V1G 4H8 Tel: (250) 784-3200 or (800) 670-7773 Fax: (250) 784-3201 Email: [prrd.dc@prrd.bc.ca](mailto:prrd.dc@prrd.bc.ca)  
☐ Box 100 St. Charles, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-8084 Email: [prrd.fsj@prrd.bc.ca](mailto:prrd.fsj@prrd.bc.ca)





ARCS: 292-30  
File: EMP-2019-98491

February 28, 2020

Sent via email: tyra.henderson@prrd.bc.ca

Tyra Henderson  
Peace River Regional District  
Box 810, 1981 Alaska Ave.  
Dawson Creek BC V1G 4H8

Dear Tyra Henderson:

**Re: Request for Access to Records**  
***Freedom of Information and Protection of Privacy Act (FOIPPA)***

I am writing further to your request received by the Ministry of Energy, Mines and Petroleum Resources. You narrowed your request on January 17, 2020 through email with Melissa Boyd. Your request is for:

*All relevant reports related to the Old Fort Landslide.*

Please be advised the records you requested are withheld in their entirety pursuant to section 15 (Disclosure harmful to law enforcement) of FOIPPA. A complete copy of FOIPPA is available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/96165\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96165_00)

Your file is now closed.

If you have any questions regarding your request, please contact Melissa Boyd, the analyst assigned to your request, at 778 698-2867. This number can be reached toll-free by calling from Vancouver, 604 660-2421, or from elsewhere in BC, 1 800 663-7867 and asking to be transferred to 778 698-2867.

.../2

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in dark ink, appearing to read "M Boyd". The signature is fluid and cursive, with the first letter "M" being large and prominent.

Melissa Boyd, FOI Specialist  
On behalf of Matthew Prodan, Manager  
Resource Team, Information Access Operations

Enclosures





PEACE RIVER REGIONAL DISTRICT

December 19, 2019

Information Access Operations  
Ministry of Citizens' Services

Via Email: [FOI.Requests@gov.bc.ca](mailto:FOI.Requests@gov.bc.ca)

Dear Sir/Madam:

**Re: *Freedom of Information and Protection of Privacy Act*  
Request for Access to Records**

The Board of the Peace River Regional District, at its meeting held on November 28, 2019, passed the following resolution:

"That the Regional Board submit a Freedom of Information request to the Province of BC and all Ministries involved in the Old Fort Landslide event Requesting all relevant reports, statistics and assessments related to the Old Fort Landslide."

Please direct your written response to Tyra Henderson, Corporate Officer at [tyra.henderson@prrd.bc.ca](mailto:tyra.henderson@prrd.bc.ca) or by fax to (250) 784-3201.

Please contact me by phone at 250-784-3216 or [tyra.henderson@prrd.bc.ca](mailto:tyra.henderson@prrd.bc.ca) if you have any questions in this regard or if you require anything further.

Yours truly,

Tyra Henderson  
Corporate Officer

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PLEASE REPLY TO:

☒ Box 810, 1981 Alaska Ave, Dawson Creek, BC V1G 4H8 Tel: (250) 784-3200 or (800) 670-7773 Fax: (250) 784-3201 Email: [prrd.dc@prrd.bc.ca](mailto:prrd.dc@prrd.bc.ca)  
☐ 9905 100 St, Fort St John, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-1238 Email: [prrd.fsj@prrd.bc.ca](mailto:prrd.fsj@prrd.bc.ca)