



REPORT

To: Chair and Directors

Report Number: ADM-BRD-022

From: Tyra Henderson, Corporate Officer

Date: May 4, 2020

Subject: Section 57 Notices: PID 009-627-359, PID 029-201-535 and PID 012-191-604

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 009-627-359 regarding construction of a shop without a building permit, 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 009-627-359 regarding construction of a shop without a building permit and contrary to PRRD Building Bylaw No. 1189, 1999.*

*This is the bylaw in effect when the shop was constructed in 2013.

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 029-201-535 regarding construction of an accessory building contrary to Building Permit No. 0189 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 029-201-535 regarding construction of an accessory building contrary to Building Permit No. 0189 and contrary to PRRD Building Bylaw No. 1189, 1999.*

* This is the bylaw in effect when construction of the accessory building commenced.

RECOMMENDATION #3: [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 012-191-604 regarding construction of an accessory building without a building permit, contrary to 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 012-191-604 regarding the construction of an accessory building without a building permit, contrary to PRRD Building Bylaw No. 1189, 1999 and 2131, 2014.*

* The actual date of construction is unknown, however it is known to be between 2007 and 2016. These are the building bylaws that were in effect during this time.

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 Notices: PID 009-627-359, PID 029-201-535 and PID 012-191-604" dated May 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 May 28, 2020 and providing the owners with the opportunity to address the Board prior to its decision.

If any of the owners of the properties identified in this report request to address the Board they will be provided with a time, phone number and password to call into the meeting and the Board will be advised of their intent to speak.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Memo from Building Inspector titled "Notice on Title- PID 009-627-359".
2. Memo from Building Inspector titled "Notice on Title- PID 029-201-535".
3. Memo from Building Inspector titled "Notice on Title- PID 012-191-604".