



REPORT

To: Chair and Directors

Report Number: ADM-BRD-053

From: Kelsey Bates, Deputy Corporate Officer

Date: June 30, 2020

Subject: Section 57 Notice on Title - PID 012-191-604

RECOMMENDATION: [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

Whereas 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*.

** This is the bylaw in effect when the shop was constructed between June 7, 2011 and May 27, 2012.*

BACKGROUND/RATIONALE:

On May 28, 2020, the Regional Board passed the following resolution:

MOVED, SECONDED, and CARRIED

That the Regional Board defer consideration of Recommendation No. 3 (PID 012-191-604) of the May 4, 2020 report titled 'Section 57 Notices: PID 009- 627-359, PID 029-201-535 and PID 012-191-604' until the July 9, 2020 Board meeting to provide the property owner adequate time to obtain an engineering report.

As of the date of this report, the landowner had not provided the PRRD with an engineering report.

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 may protect the local government from liability for negligent misrepresentation claims regarding the permitting history of a property.

This property is 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 PRRD Building Inspector has provided separate background information in the attached memo, summarizing the history of the construction/placement of the structure on this property.

ALTERNATIVE OPTIONS:

1. That the Regional Board receive the June 30, 2020 report titled “Section 57 Notice on Title- PID 012-191-604” 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, a filing fee of \$74.87 is paid to Land Title and Survey Authority.

COMMUNICATIONS CONSIDERATION(S):

As required by the *Local Government Act*, a letter was sent to the owner of the property 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 provided the owner with the opportunity to address the Board prior to its decision.

The landowner addressed the Regional Board during the May 28, 2020 meeting, asking for time to obtain an engineering report.

On June 3, 2020, the Corporate Officer communicated, via email, with the landowner confirming that the Regional Board had deferred consideration of the staff recommendation to place a Section 57 on the title of the property for a one-month period, to allow the landowner to provide additional information such as an engineering report. The Corporate Officer further confirmed that the Regional Board would consider placing the Section 57 notice on the title of the property at the July 9, 2020 meeting.

If the landowner provides further information prior to the commencement of the July 9, 2020 PRRD Board Meeting, the information will be provided to the Regional Board for its consideration.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Memo from Building Inspector titled “Notice on Title- PID 012-191-604”